DOCUMENT RESUME

ED 382 510 SO 024 933

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TITLE	Human Rights and China. Lesson Units.
INSTITUTION	Center for International Education (ED), Washington, DC.; National Committee on United States-China Relations, New York, N.Y.
PUB DATE	94
NOTE	247p.; Print quality weak throughout.
PUB TYPE	Guides - Classroom Use - Teaching Guides (For Teacher) (052)
EDRS PRICE	MF01/PC10 Plus Postage.
DESCRIPTORS	*Asian Studies; *Chinese Culture; Civil Law; *Civil Liberties; *Civil Rights; Culture; Curriculum; Foreign Countries; High Schools; Non Western Civilization; Teaching Guides
IDENTIFIERS	*China

ABSTRACT

This curriculum unit presents lessons based on information and ideas gained from a 1994 Fulbright-Hays Summer Seminar Abroad Program in the People's Republic of China. This series of three lessons is created as an introduction to Model United Nations types of activities for high school students. Lesson 1, "What are Human Rights?" deals with concepts and definitions of human rights. Lesson 2, "Chinese and American Concepts of Human Rights," enables students to compare the human rights perspectives of China and the USA, with the lesson culminating in forums where students role-play advocates of differing positions on human rights issues. Lesson 3, "Multilateral Human Rights Forums," provides ideas for additional interactive situations for further consideration of human rights and other important political topics. An extensive section of appendices follows the lessons and provides teachers the necessary materials with which to conduct the lessons. (EH)

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HUMAN RIGHTS
AND
CHINA

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Lesson Units
by
Stanley T. Holmes
for the
1994 Fulbright Summer Seminar
"China: Tradition and Transformation"

SO 034 933

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HUMAN RIGHTS AND CHINA

Introduction

This curriculum unit couples information and ideas gained from a most unique and rewarding 1994 Fulbright-Hays seminar experience in the People's Republic of China with the burgeoning file of documents, articles, and notes amassed prior to, and since, my trip to the Middle Kingdom.

Many thanks are owed to my seminar fellows for their input. I also appreciate the efforts of Fulbright teachers who preceded my group to China, and left their curriculum legacy to spark ideas for those who follow. For anyone interested in the subject matter of this curriculum unit, I would highly recommend the 1993 Fulbright-Hays project of Mr. Fran O'Malley, of Brandywine School District (Wilmington, Deleware), whose excellent set of lessons entitled "China Studies: Issues of Law and International Relations" elaborate on several issues contained herein.

Thanks also to the late J. William Fulbright, whose future vision spawned opportunities for American educators to bring China home to their classrooms.

I have for ten years advised Model United Nations clubs and taught International Relations classes in the Utah public education system. The Model U.N. program is very rewarding, and prods me to constantly stay abreast of global affairs. For my students, M.U.N. research and simulations provide a taste of the world beyond Utah. In my experience, there has been no more effective teaching strategy for promoting multicultural awareness, interactive skills, and the relevance of history and political geography than the Model United Nations.

This series of lesson units is basically a lead-in to Model U. N.-type activities focussing on human rights. Lesson #1 deals with concepts and definitions of human rights. In Lesson #2, students compare the human rights perspectives of China and the U.S.A.. This lesson culminates in forums where students role-play advocates of differing positions on human rights issues. Lesson #3 provides ideas for additional interactive situations amenable to the further consideration of human rights and other important political topics.

An extensive section of appendices follows the lesson units. I've found that the likelihood that curriculum units will be used increases with the availability of materials needed for implementation. Therefore, this unit includes all the basics a teacher needs to "run with it."

Staying current is always a challenge when tracking world affairs. As this unit was being finalized, the U.S. State Department released its 1995 "Country Reports on Human Rights," indicating that China's human rights record had not significantly improved since the President's concession on MFN (most favored nation) status. [The full report was not yet in print, but helpful Congressional staffers sent me the China section, which is included in the appendices.] And the White House had just narrowly averted a trade war with Beijing over rampant copyright piracy in China.

Of course, any effective curriculum thrives on new information.

Your comments and suggestions for the expansion and improvement of this unit would be very much appreciated.

Stanley T. Holmes
February 1995

Alta High School ..... 11055 South 1000 East ..... Sandy, Utah 84094 ..... (801) 486-3646

#1
Lesson Title: What Are Human Rights?

Grade Levels: 7-12

Time Needed: 2-3 class periods

Goal: Provide students with a basic understanding of the concept of human rights.

Objectives: Students will be able to ...

1) Define "human rights."
2) Identify human rights, and describe their origins.
3) Identify and analyse documents establishing human rights standards.
4) Distinguish between civil/political and social/economic rights.
5) Explain differences in prioritizing human rights.

Activities:

1) Define "human rights."

   a) Teacher defines human rights as "fundamental protections and freedoms all people should enjoy."

2) Identify human rights, and describe their origins.

   a) Students list five basic rights. [on paper]

   b) Teacher combines student lists on chalkboard.

   c) Teacher discusses origins of rights: inherent (natural law), common, customary law, statutory law (religious, temporal), other origins.

3) Identify and analyse documents establishing human rights standards.

   a) Teacher identifies documents addressing human rights, including: Declaration of Independence, Bill of Rights, U. N. Charter, Universal Declaration of Human Rights

   b) Teacher lists rights contained in Declaration of Independence and Bill of Rights on chalkboard.

   ?...is everyone created equal...?
   ?...under what circumstances can these rights be taken away...?
   ?...who has more rights, the individual or society/government...?
   ?...why were these documents created...?
   ?...to what extent are these rights and freedoms still valid, or in need of revision...?

   c) Teacher lists rights contained in United Nations Charter.

   ?...how are these rights [and this document] linked to World War II...?
   ?...who enforces these rights...?

HUMAN RIGHTS AND CHINA

Lesson #1: What Are Human Rights?

✓ Students receive copy of Universal Declaration (abbreviated).

First, students underline rights they've discussed in class; circle rights not yet discussed. Teacher explains rights as needed.

Next, students list Top 5 (most important) rights. Teacher combines lists on chalkboard. Class discusses reasons for priorities.

4) Distinguish between civil/political and social/economic rights.

   a) Teacher explains that Universal Declaration of Human Rights, created in 1948, contains two broad categories of rights:
      civil and political rights, and social and economic rights.

   b) Class reviews document, putting "C/P" by civil / political rights and "S/E" by social / economic rights.

   ?...did your Top 5 list include more C/P rights or S/E rights...?
   ?...do the U.S. Declaration of Independence and Bill of Rights contain more C/P rights or S/E rights...? ?...why...?
   ?...in your everyday life, do you think more about C/P rights or S/E rights...?

5) Explain differences in prioritizing human rights.

   a) Teacher explains that our Western [Enlightenment-affected], developed-world notions of human rights and the social [citizen/government] contract tend to emphasize civil / political over social / economic rights. Less developed countries (LDC's) tend to emphasize socio / economic rights.

   ?...why do you think this is the case...?

   b) As time permits, have students review the 1966 International Covenant of Civil and Political Rights, 1966 International Covenant of Social and Economic Rights, and 1993 Vienna Human Rights Declaration, paying attention to C/P and S/E rights contained.

Materials:

Copies of the U.S. Declaration of Independence, U.S. Constitution (or Bill of Rights excerpt), United Nations Charter, 1948 Universal Declaration of Human Rights (with classroom handouts of abbreviated version), 1966 International Covenant of Civil and Political Rights, 1966 International Covenant of Social and Economic Rights, and 1993 Vienna Human Rights Declaration.

#2
Lesson Title: Chinese and American Concepts of Human Rights

Grade Levels: 7-12

Time Needed: 4-10 class periods

Goal: Understand how cultural and historical differences have affected Chinese and American conceptions of human rights.

Objectives: Students will analyse and discuss ...

1) Universal, cultural relativist, and ethnocentrist perspectives on human rights.
2) Foundations of the U.S. human rights perspective and policies.
3) Foundations of the People's Republic of China's human rights perspective and policies.
4) Chinese and American human rights records.
5) Human rights issues in decisionmaking simulations.
6) Cross-cultural lessons of the human rights debate.

Activities:

[Note: The teacher may wish to conduct one or more of the following discussions as a conference simulation, where students role-play Chinese and American party and government officials, third country diplomats, and representatives of special interests, such as Amnesty International or the U.S. Chamber of Commerce.]

1) Universal, cultural relativist, and ethnocentrist perspectives on human rights.

a) Teacher explains the difference between universalist, cultural-relativist, and ethnocentrist approaches to human rights.

Universalist: human rights concepts are absolute, and apply equally to all.

Cultural relativist: human rights concepts are defined differently over time and between cultures, and cannot be imposed on cultures.

Ethnocentrist: human rights concepts of a particular culture are superior, and should be established as the standard for all cultures.

b) Students are directed to apply the three human rights perspectives to an interpretation of the following provisions of the Universal Declaration of Human Rights:

...Article 3 ["right to life"], as applied to abortion ...to the death penalty.

...Articles 13 ["free movement"] and 14 ["asylum"], as applied to 'illegal' immigrants.

...Article 25 ["adequate living standard"], as applied to the current debate over welfare

c) Teacher reads to, and discusses with, students the following section from the 1993 Vienna Declaration of Human Rights.

"*All human rights are universal*, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms." [UN doc.# A/CONF.157/24 (Part I), p.23(5.)]

?...which human rights perspective does this statement appear to employ...?
?...why to you agree, or disagree, with the premises and practicability of this statement...?

2) Foundations of the U.S. human rights perspective and policies.

a) Teacher will describe and explain the effects of the Enlightenment, Industrial Revolution, and Developed ["First"] World status on U.S. human rights perspective and policies.

[The teacher may use world history textbook sections on Renaissance notions of the individual's importance, and the Enlightenment concept of "social contract", in addition to tracts on political philosophies of signatories to the U.S. Declaration of Independence and the U.S. Constitution.]

b) Students reconsider the reasons for bias toward civil and political rights in U.S. culture.

3) Foundations of the People's Republic of China's human rights perspective and policies.

a) Teacher will describe and explain the effects of Confucianism, colonialism, civil strife, and Developing ["Third"] World status on China's human rights perspective and policies.

[The teacher may use world history textbook sections on the historical depth of Chinese culture, Confucian notions of the individual's social role, exploitation by foreign powers, twentieth century turmoil, and ongoing efforts to modernize and raise living standards.]

b) Students read Chapter Two of the Chinese national Constitution [Articles 33-56], noting on the Human Rights Provisions worksheet each article's right(s), freedom(s), or duties. Students also note whether each right/freedom/duty has a counterpart in U.S. law.

?...Which U.S.-designated rights/freedoms/duties are missing from the Chinese constitution...?
?...Which Chinese-designated rights/freedoms/duties are missing from U.S. law...?
?...Explain the differences...?

[Teacher may also make reference to the fact that China functions under two constitutions: the P.R.C. state constitution and the Constitution of the Communist Party of China, whose officers directly control the government. "General Programme" and "Membership sections of the Party constitution help explain the Chinese perspective on human rights.]

c) Students read human rights statements by Chinese officials, including "Basic Positions and Practice of China on Human Rights Issues," excerpts from "Human Rights in China" lecture by Dr. Zhou Zhiliang, and excerpts from China's "Positions on Certain International Issues, 1994."

?...How do these statements coincide with what you have learned about Chinese culture and history...?
?...What aspects of the Chinese human rights perspective coincide with the American human rights experience and perspective...?
?...How should the U.S. government respond to these statements...?

d) Students reconsider the reasons for bias toward social and economic rights in Chinese [People's Republic] culture.

Lesson #2: Chinese and American Concepts of Human Rights

4) Chinese and American human rights records.

a) Students read the China section of 1994 Amnesty International report, identifying specific human rights and freedoms allegedly violated.

?...how might Chinese government officials respond to the charges...?

b) Students then read the U.S.A. section of 1994 Amnesty International report, identifying specific human rights and freedoms allegedly violated.

?...how might U.S. government officials respond to the charges...?

c) Next, students review the treaty ratification section, noting which human rights treaties China and the U.S.A. have not signed or ratified.

?...what reasons might each government give for not approving these treaties...?
?...why have the U.S. and China signed some treaties, but not others..?

[*Teacher's note: Both China and the U.S.A. signed the 1948 Universal Declaration of Human Rights. The People's Republic does not feel bound to this document, however, since it was signed by the Nationalist government of Chiang Kai-Shek.*]

d) Discuss what, if anything, should be done by the international community to bring China and the United States into compliance with human rights treaties.

[Teacher may refer students to a sample U.N. resolution on human rights, the 1989 death penalty abolition resolution #44/128.]

5) Human rights issues in decisionmaking simulations.

a) Forum A: Hearings of the U.S. Senate Foreign Relations Committee

1 Before starting the simulation, the teacher summarizes for students the sequence of events that culminated in President Clinton's May 26, 1994 decision to renew China's Most Favored Nation (MFN) trade status, and delink MFN renewal from China's human rights performance.

Following the June 4, 1989 Tiananmen Square massacre, President Bush suspended all high-level diplomatic contacts with China and, beginning in June 1990, tied extension of China's MFN trade status to an annual review of Beijing's human rights record. This approach, known as "conditional punishment," was endorsed by human rights oganizations that included Amnesty International.

In June 1993, President Clinton warned that MFN would not be extended in 1994 unless the Chinese government demonstrated significant overall improvement" in its adherence to human rights standards. Meanwhile, the U.S. business community lobbied for a "constructive engagement" approach, taken by Japan, which would maintain normal trade relations with China while encouraging human rights reforms through other diplomatic channels.

In February 1994, the U.S. State Department reported that "the [Chinese] Government's overall human rights record in 1993 fell far short of internationally accepted norms..." Nevertheless, President Clinton decided to extend MFN to China indefinitely, cutting the human rights conditionality.

Lesson #2: Chinese and American Concepts of Human Rights

a) **Forum A:** Hearings of the U.S. Senate Foreign Relations Committee

2 **Topic #1** Violation of Civil and Political Rights in the People's Republic of China: Should the U.S. Again Link Trade Preferences to Human Rights Compliance?

a Students role-playing U.S. senators take testimony from specialists and officials, then make recommendations to the President on U.S. policy toward China regarding this topic.

b Witnesses [also role-played by students] include, but are not limited to:

...Amnesty International representative: universalist position [favors pressure on China]
...U.S. Chamber of Commerce: constructive engagement [against linking trade to human rights]
...Secretary of State: wants continued cooperation with China in U.N. Security Council
...P.R. China Ambassador: China threatens to retaliate with sanctions against U.S.
...Harvard Sinologist: China's rights record has been slowly improving
...Chinese dissident: conditional punishment [people are suffering; the West must act]
...Visiting Chinese scholar: the West [i.e. U.S.] throws rocks from a house of glass
...Spokesman for Chinese trade mission: our vast market awaits American business
...other specialists and officials:

c Each witness researches for a 3-5 minute presentation, including questions from the panel. [The appendices contain excerpts from the 1994 U.S. State Dept. Country Reports on Human Rights, the 1995 U.S. State Dept. Country Reports on Human Rights, news articles on human rights and Most Favored Nation (MFN) status, and "Quotes and Notes" on East-West Human Rights Perspectives.]

d After deliberation, Senators seek a majority vote on a policy recommendation.

e Teacher leads a post-session discussion.

?...what are the arguments for and against the conditional punishment approach...?
?...what are the arguments for and against the constructive engagement approach...?
?...are there other --better-- alternatives we haven't yet considered...? ?...what are they...?

3 **Topic #2:** Violation of Copyrights and other Intellectual Property Rights in P.R. China: Should the U.S. Impose Trade Sanctions on China?

a Students role-playing U.S. senators take testimony from specialists and officials, then make recommendations to the President on U.S. policy toward China regarding this topic.

b Witnesses [also role-played by students] include, but are not limited to:

...U.S. Chamber of Commerce: conditional punishment [favors economic pressure on China]
...Amnesty International representative: universalist position [protect all human rights]
...Secretary of State: wants continued cooperation with China in U.N. Security Council
...P.R. China Ambassador: China threatens to retaliate with sanctions against U.S.
...Harvard Sinologist: constructive engagement position [China's record has improved somewhat]
...MicroSoft representative: Chinese copyright pirates are costing us millions
...Visiting Chinese scholar: Chinese leaders "lose face" by giving in to Western demands
...Spokesman for Chinese trade mission: we can always do business with Japan
...other specialists and officials:

Lesson #2: Chinese and American Concepts of Human Rights

3 **Topic #2:** Violation of Copyrights and other Intellectual Property Rights in P.R. China: Should the U.S. Impose Trade Sanctions on China?

-continued-

c Each witness researches for a 3-5 minute presentation, including questions from the panel. [The appendices contain several news articles on this topic.]

d After deliberation, Senators seek a majority vote on a policy recommendation.

e Teacher leads a post-session discussion.

?...what are the arguments for and against the conditional punishment approach...?
?...what are the arguments for and against the constructive engagement approach...?
?...are there other --better-- alternatives we haven't yet considered...? ?...what are they...?

b) **Forum B:** Hearings of the Public Health Ministry of the People's Republic of China

1 **Topic #1** Implementation of the "Maternal and Infantile Health Care Law"

a Teacher explains that China --with over 1 billion people-- has had in place, since 1979, a one-child-per-family population control policy. In recent years, officials have proposed a "better births" policy that would prevent mentally-retarded and diseased citizens from having children who might be similarly handicapped. Under what is sometimes referred to as a "eugenics" policy, defective fetuses would be aborted. The policy would not, however, permit abortions based solely on the sex of the fetus. [Note: Many Chinese limited to one child would prefer a boy.]

[The appendices contain several readings on this topic.]

b Students role-playing Chinese Public Health Ministry officials take testimony from witnesses [see c below], then make recommendations to the Minister of Public Health on this topic.

c Witnesses [role-played by students] include, but are not limited to:

...Foreign Affairs Ministry representative: concerned about negative world reaction; but reaffirms population policy is China's domestic prerogative
...State Commission on Family Planning representative: describes measures that would be used, including marriage restrictions, sterilization, and abortion
...Civil Affairs Ministry representative: reaffirms growing population pressure on China's limited resources; says action must be taken
...Justice Ministry representative: explain how the law conforms with international and Chinese constitutional human rights provisions
...U.N. Human Rights Commission representative: law appears to violate international human rights documents; mentions Hitler's eugenics precedent
...Parent of a mentally retarded daughter: wants to know if compliance will be forced
...Son of diabetic parents: believes he has right to a family
...People's Daily [Communist Party newspaper] Editor: how can we present this program in a positive light?
...other specialists and officials:

Lesson #2: **Chinese and American Concepts of Human Rights**

b) Forum B: Hearings of the Public Health Ministry of the People's Republic of China

1 **Topic #1** Implementation of the "Maternal and Infantile Health Care Law"

-continued-

d Each witness researches for a 3-5 minute presentation, including questions from the panel.

e After deliberation, the Health Ministry panel seek a majority vote on a policy recommendation.

f Teacher leads a post-session discussion.

?...what would be the universalist, cultural relativist, and ethnocentrist [American] positions on this subject...?
?...under what conditions might the United States have to adopt population control policies...? ?...what might such policies involve...?

Materials: [included in appendices]

1948 Universal Declaration of Human Rights [full or short form], 1993 Vienna Human Rights Declaration, Constitution of the People's Republic of China, (Chapter 2), Worksheet: Human Rights Provisions of the Chinese State Constitution, Constitution of the Chinese Communist Party, "Basic Positions and Practice of China on Human Rights Issues, ' excerpts from "Human Rights in China" lecture by Dr. Zhou Zhiliang, excerpts from China's "Positions on Certain International Issues," 1994 China's "Positions on Certain International Issues (1994)", "1994 Report on Human Rights Around the World" (Amnesty International), 1989 U.N. Death Penalty resolution #44/128, excerpts from the 1994 U.S. State Dept. Country Reports on Human Rights, 1995 U.S. State Dept. Country Reports on Human Rights, news articles on human rights and Most Favored Nation (MFN) status, "Quotes and Notes" on East-West Human Rights Perspectives, news articles on Chinese copyright violations and U.S. trade sanctions, and readings on China's population policy.

# 3

Lesson Title: Multilateral Human Rights Forums

Grade Levels: 7-12

Time Needed: 3-5 class periods per forum

Goal: Apply diverse national perspectives toward solving specific human rights issues in world forums.

Objectives: Students will analyse and discuss ...

1) World human rights issues.
2) Human rights perspectives of different nations.
3) World forums that address human rights issues.
4) Proposals for solving human rights problems, as representatives of different countries interacting in world forums.

Activities:

1) **Forum A:** United Nations Economic and Social Council
...Human Rights Commission

a) **Topic #1** Violation of Human Rights and Freedoms in Colonial and Other Dependent Countries and Territories: Situation in TIBET

1 Teacher provides students with information, and discusses the situation in Tibet. [The appendices contain several readings on this topic.]

2 Teacher explains that the class will simulate a session of the Human Rights Commission of the United Nations Economic and Social Council (ECOSOC), providing information about the functions of that body.
[In the appendices, refer to Articles 61-72 of the U.N. Charter, along with the "U.N. at a Glance" handout, for background on ECOSOC. Refer also to the ECOSOC document on "Human Rights Violations in Tibet," # E/CN.4/1994/NGO/24]

...the Economic and Social Council makes *recommendations* to the General Assembly and other U.N. organizations, such as the Security Council.

3 Class is divided into three sections representing a Human Rights Commission panel of diplomats, and delegations from the People's Republic of China and the Dalai Lama's Tibetan government-in-exile.

a The Commission panel should include students role-playing diplomats from a cross-section of countries representing different geographic regions, political systems, and levels of development.

...students on the Commission should review articles and documents on Tibet, along with applicable sections of the U. N. Charter and the Universal Declaration of Human Rights, and documents obtained from embassies and U.N. missions.

Lesson #3: Multilateral Human Rights Forums

a) Topic #1 Violation of Human Rights and Freedoms in Colonial and Other Dependent Countries and Territories: Situation in TIBET

-continued-

?...on what bases do Tibetans build their case for independence...?
?...on what bases does the Chinese government state its case for keeping Tibet...?

...information about the students' designated countries' human rights orientation might include relevant sections of the Amnesty International and U.S. State Department annual human rights country reports, as well as historical research on the country.

?...has your designated country ever dealt with a secessionist movement...?
?...what would your country do if it was in China's position...?

b Students representing the Chinese government, and the Tibetan government-in-exile, prepare position papers on the proposed independence of Tibet from China, using government documents, the U.N. Charter, human rights reports and articles, and statements from interest groups.

?...what are the arguments for and against your government's position...?
?...what precedents in world history and current events strengthen your position...?

4 The Human Rights Commission panel affords each party equal time to make its presentation and answer panelists' questions, then makes a recommendation based on consensus [acceptable to all panelists].

5 Teacher leads a post-session discussion, in which all student groups explain their positions, arguments, and decisions.

2) **Additional Forums and Topics**

a) Teacher may wish to facilitate simulations of other U.N. forums, such as the General Assembly and the International War Crimes Tribunal, in which human rights issues are discussed.
[See appendices for Model U.N. rules of procedure and M.U.N. resolution format.]

Regional organizations, such as the Organization of African Unity, the Conference on Security and Cooperation in Europe, and the Organization of American States may also be used as forums for human rights deliberations.

Many countries' U. N. missions will send policy speeches and background documents free upon request.
[Embassy addresses are included in the appendices.]

Materials:

Readings on Tibet, the U.N. Charter, "U.N. at a Glance" handout, the ECOSOC document on the Question of the Violation of Human Rights: Tibet, 1948 Universal Declaration of Human Rights, human rights reports and articles, embassy / U.N. mission policy documents, statements from interest groups, and news articles on Tibet and other human rights situations.

APPENDICES

U.S. Declaration of Independence
U.S. Constitution
United Nations Charter
"U.N. at a Glance" handout
1948 Universal Declaration of Human Rights
1948 Universal Declaration of Human Rights (short form)
1966 International Covenant of Civil and Political Rights
1966 International Covenant of Social and Economic Rights
1993 Vienna Human Rights Declaration
Constitution of the People's Republic of China, Chapter 2
Worksheet: Human Rights Provisions of the Chinese State Constitution
Constitution of the Chinese Communist Party
"Basic Positions and Practice of China on Human Rights Issues"
Excerpts from "Human Rights in China" lecture by Dr. Zhou Zhiliang
Excerpts from China's "Positions on Certain International Issues," 1994
China's "Positions on Certain International Issues," 1994
"1994 Report on Human Rights Around the World," Amnesty International
1989 U.N. resolution #44/128: "....aiming at the abolition of the death penalty."
Excerpts from the 1994 U.S. State Dept. Country Reports on Human Rights
1995 U.S. State Dept. Country Reports on Human Rights
News articles on human rights and Most Favored Nation (MFN) status.
"Quotes and Notes" on East-West Human Rights Perspectives
News articles on Chinese copyright violations and U.S. trade sanctions.
Readings on China's population policy.
Readings on Tibet.
Question of the Violation of Human Rights: Tibet [ECOSOC #E/CN.4/1994/NGO/24]
Model United Nations rules of discussion [simplified]
Model United Nations resolution format
Embassy addresses list

Additional addresses:

Your Senator
United States Senate
Washington, D.C. 20510
(202) 224-3121

Your Congressperson
U.S. House of Representatives
Washington, D.C. 20515
(202) 224-3121

The President
The White House
Washington, D.C. 20500
(202) 456-1414

Declaration of Independence

IN CONGRESS, JULY 4, 1776.

A DECLARATION

BY THE REPRESENTATIVES OF THE

UNITED STATES OF AMERICA,

IN GENERAL CONGRESS ASSEMBLED.

WHEN in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness--That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World.

He has refused his Assent to Laws, the most wholesome and necessary for the public Good.

He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

He has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

He has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the Dangers of Invasions from without, and Convulsions within.

He has endeavored to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

He has erected a Multitude of new Offices, and sent hither Swarms of Officers to harass our People and eat out their Substance.

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He has kept among us, in Times of Peace, Standing Armies, without the consent of our Legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

For quartering large Bodies of Armed Troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all Parts of the World:

For imposing Taxes on us without our Consent:

For depriving us, in many Cases, of the Benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended Offenses:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People.

He is, at this Time, transporting large Armies of foreign Mercenaries to compleat the Works of Death, Desolation, and Tyranny, already begun with circumstances of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the Executioners of their Friends and Brethren, or to fall themselves by their Hands.

He has excited domestic Insurrections amongst us, and has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes and Conditions.

In every stage of these Oppressions we have Petitioned for Redress in the most humble Terms: Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.

Nor have we been wanting in Attentions to our British Brethren. We have warned them from Time to Time of Attempts by their Legislature to extend an unwarrantable Jurisdiction over us. We have reminded them of the Circumstances of our Emigration and Settlement here. We have appealed to their native Justice and Magnanimity, and we have conjured them by the Ties of our common Kindred to disavow these Usurpations, which, would inevitably interrupt our Connections and Correspondence. They too have been deaf to the Voice of Justice and of Consanguinity. We must, therefore, acquiesce in the Necessity, which denounces our Separation, and hold them, as we hold the rest of Mankind, Enemies in War, in Peace, Friends.

We, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the World for the Rectitude of our Intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all Allegiance to the British Crown, and that all political Connection between them and the State of Great-Britain, is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm Reliance on the Protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

Signed by ORDER and in BEHALF of the CONGRESS,

JOHN HANCOCK, PRESIDENT.

The Text of the Constitution

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I

Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of the State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to law.

Section 4

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have orginated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To Borrow Money on the Credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office or Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

[illegible]

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its Inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article II

Section 1

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same term, be elected, as follows.

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States,shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of

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Representatives shall immediately chuse by Ballot one of them for President: and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on [illegible] Age of [illegible] Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Dasibility be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the end of their next Session.

Section 3

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all Officers of the United States. .

Section 4

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other High Crimes and Misdemeanors.

Article III

Section 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States; between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original jurisdiction. In all the other cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attained.

Article IV

Section 1

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

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This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the judges in every State shall be bounded thereby, any Thing in the Constitution of Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the Several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. In Witness whereof We have hereunto subscribed our Names,

G^{o} Washington—Presid^{t}
and deputy from Virginia

New Hampshire	John Langdon Nicholas Gilman
Massachusetts	Nathaniel Gorham Rufus King
Connecticut	W^{m} Sam^{l} Johnson Roger Sherman
New York	Alexander Hamilton
New Jersey	Wil: Livingston David Brearley. W^{m} Paterson. Jona: Dayton
Pennsylvania	B Franklin Thomas Mifflin Robt^{t} Morris Geo. Clymer Tho^{s} FitzSimons Jared Ingersoll James Wilson Gouv Morris

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Delaware	Geo: Read Gunning Bedford jun John Dickinson Richard Bassett Jaco: Broom
Maryland	James M^{c}Henry Dan of S^{t} Tho^{s} Jenifer Dan^{l} Carroll
Virginia	John Blair— James Madison Jr.
North Carolina	W^{m} Blount Rich^{d} Dobbs Spaight. Hu Williamson
South Carolina	J. Rutledge Charles Cotesworth Pinckney Charles Pinckney Pierce Butler.
Georgia	William Few Abr Baldwin

AMENDMENTS TO THE CONSTITUTION

The first ten Amendments were ratified December 15, 1791, and form what is known as the "Bill of Rights."

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, againt unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment XII

The Electors shall meet in their respective states and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number is a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

Amendment XIII

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No

State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss of emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5

The Congress shall have power to enforce by appropriate legislation the provisions of this article.

Amendment XV

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Amendment XVII

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so constured as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII

Section 1

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XIX

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Amendment XX

Section 1

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment XXI

Section 1

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XXII

Section 1

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Amendment XXIII

Section 1

The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV

Section 1

The right of citizens of the United States to vote in any primary or other election for President or Vice-President, for electors for President or Vice-President, or for Senator or Representative in Congress shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXV

Section 1

In the case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body of Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President. Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the Principal officers of the executive departments or of such other majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose, if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Amendment XXVI

Section 1

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2

The Congress shall have the power to enforce this article by appropriate legislation.

Proposed Amendment

Section 1

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Section 3

This amendment shall take effect two years after date of ratification.

Proposed Amendment

Section 1

For purposes of representation in Congress, election of the President and Vice President, and Article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a state.

Section 2

The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by Congress.

Section 3

The twenty-third article of amendment to the Constitution is hereby repealed.

Section 4

This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission.

CHARTER OF THE UNITED NATIONS

We the peoples of the United Nations determined

to save succeeding generations from the scourge of war which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal right of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom

and for these ends

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

have resolved to combine our efforts to accomplish these aims.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I

Purposes and Principles.

Article 1

The Purposes of the United Nations are:

1. To maintain international peach and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles as far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II

Membership

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations, contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assemble upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been tak[illegible] by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendations of the Security Council.

CHAPTER III

Organs

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, and International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV

The General Assembly

COMPOSITION

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

FUNCTIONS AND POWERS

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and

security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as assigned under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organizations shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

VOTING

Article 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the nonpermanent members of the Security Council, the elections of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on the other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have not vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

PROCEDURE

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V

The Security Council

COMPOSITION

Article 23 (as amended in 1965)

1. The Security Council shall consist of fifteen members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen fro a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

FUNCTIONS AND POWERS

Article 24

1. In order to ensure prompt and effective action by the United Nations, it Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

VOTING

Article 27 (as amended in 1965)

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

PROCEDURE

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, it if so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of the Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI

Pacific Settlement of Disputes

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of this dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Article 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII

Action With Respect to Threats to th Peace, Breaches of the Peace, and Ac of Aggression

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measure not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their

degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with the respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite the Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII

Regional Arrangements

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of the Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangement or by regional agencies for the maintenance of international peace and security.

CHAPTER IX

International Economic and Social Cooperation

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the coordination of the polices and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organizations set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X

The Economic and Social Council

COMPOSITION

Article 61 (as amended in 1965)

1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, nine members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from eighteen to twenty-seven members, in addition to the members elected in place of the six members whose term of office expires at the end of that year, nine additional members shall be elected. Of these nine additional members, the term of office of three members so elected shall expire at the end of one year, and of three other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

FUNCTIONS AND POWERS

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

VOTING

Article 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI

Declaration Regarding Non-Self-Governing Territories.

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose people have not yet attained a full measure of self-government recognize the principle that the interests of the in habitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the upmost, within the system of international peach and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the people concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the people, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peach and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect to the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII

International Trusteeship System

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be place thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

a. to further international peace and security;

b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes to the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

a. territories now held under mandate;

b. territories which may be detached from enemy states as a result of the Second World War; and

c. territories voluntarily placed under the system by state responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principles of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79 and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states of the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration of amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peach and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII

The Trusteeship Council

COMPOSITION

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

a. those Members administering trust territories;

b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

FUNCTIONS AND POWERS

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

a. consider reports submitted by the administering authority;

b. accept petitions and examine them in consultation with the administering authority;

c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory within the competence of the General Assembly shall make an annual report tot he General Assembly upon the basis of such questionnaire.

VOTING

Article 89

1. Each member of the Trusteeship Council shall have one vote.

2. Decisions of the Trusteeship Council

shall be made by a majority of the members present and voting.

PROCEDURE

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV

The International Court of Justice

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms as integral part of the present Charter.

Article 93

1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under the judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be take to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence of which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV

The Secretariat

Article 97

The Secretariat shall comprise a Secretary General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion my threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek

or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI

Miscellaneous Provisions

Article 102

1. Every treaty and every international agreement entered into by an Member of the United Nations after the present Charter, come into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

Article 105

1. The Organization shall enjoy the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII

Transitional Security Arrangements

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of the war by the Governments having responsibility for such action.

CHAPTER XVIII

Amendments

Article 108

Amendments to the present Charter shall come into force for all Members of the Untied Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by tow thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any nine members of the Security Council.

CHAPTER XIX

Ratification and Signature

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies therof shall be transmitted by that Government to the Governments of the other signatory states.

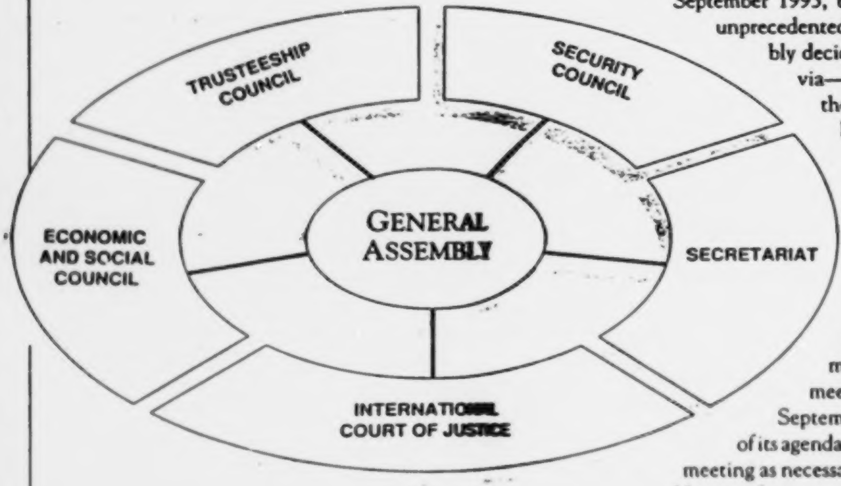
IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

UNA-USA FACTSHEET

The UNITED NATIONS At a Glance

I. GENERAL ASSEMBLY



By the opening of the 48th Session of the General Assembly in September 1993, the United Nations had 184 members. In an unprecedented move in September 1992, the General Assembly decided that the new Federal Republic of Yugoslavia—Serbia and Montenegro—could not continue the membership of the former Yugoslavia, and it barred that country from participating in Assembly deliberations. Although Yugoslavia is still denied voting rights in the Assembly, where each state has one vote, it is counted among the 184 members.

The Assembly controls the U.N.'s finances, makes nonbinding recommendations on a variety of issues, and oversees and elects some members of other U.N. organs. By tradition it meets in plenary session from the third Tuesday in September through mid-December, but with the growth of its agenda in recent years it has tended to remain in session, meeting as necessary, until the following September. The Assembly can also meet in emergency session to address an immediate threat to international peace and security—as it has done on nine occasions (most recently in January 1982)—and in special sessions—as it has done on 18 occasions (most recently in April 1990 on International Economic Cooperation).

Major Committees of the General Assembly

President of the 48th General Assembly	H.E. Mr. Samuel R. Insanally (Guyana)
Committees	**Chairpersons**
First Committee (Disarmament and International Security)	H.E. Dr. Adolf Ritter von Wagner (Germany)
Second Committee (Economic and Financial)	H.E. Mr. René Valéry Mongbé (Benin)
Third Committee (Social, Humanitarian, and Cultural)	H.E. Mr. Eduard Kukan (Slovak Republic)
Fourth Committee (Special Political and Decolonization)	H.E. Dr. Stanley Kalpagé (Sri Lanka)
Fifth Committee (Administrative and Budgetary)	H.E. Mr. Rabah Hadid (Algeria)
Sixth Committee (Legal)	Mrs. Maria del Luján Flores (Uruguay)

Housekeeping Committees make recommendations on the adoption of the agenda, the allocation of items, and the organization of work. Some housekeeping committees (all but the last consisting of government representatives):

1. General Committee
2. Credentials Committee
3. Committee on Relations with the Host Country
4. Committee on Conferences
5. Committee for Programme and Coordination
6. Committee on Contributions

A variety of other bodies (most consisting of experts who serve in their own capacity):

1. Board of Auditors
2. International Civil Service Commission
3. Joint Inspection Unit
4. Panel of External Auditors of the United Nations, the Specialized Agencies, and the International Atomic Energy Agency
5. Administrative Tribunal
6. United Nations Joint Staff Pension Board
7. United Nations Staff Pension Committee
8. Investments Committee
9. Advisory Committee on Administrative and Budgetary Questions

Special Committees That Report on Special Issues

There are some 75 such subsidiary organs, among them:

1. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples
2. Committee on the Exercise of the Inalienable Rights of the Palestinian People
3. Special Committee against Apartheid
4. Committee on the Peaceful Uses of Outer Space
5. Special Committee on Peacekeeping Operations
6. United Nations Scientific Committee on the Effects of Atomic Radiation
7. Ad Hoc Committee on the Indian Ocean

Commissions

Three major commissions report to the General Assembly:

1. *International Law Commission*, established in 1947 to promote the development and codification of international law. The Commission, which is made up of 25 experts elected by the Assembly for five-year terms, meets every year in Geneva to prepare drafts on topics of its own choosing and on topics referred to it by the Assembly and by the Economic and Social Council.

2. *United Nations Commission on International Trade Law*, established in 1966 to promote the harmonization of international trade law and to draft international trade conventions. The 36-country body also provides developing countries with training and assistance in international trade law.

3. *Disarmament Commission*, a deliberative body established by the General Assembly in 1952. Reporting annually to the Assembly, it makes recommendations on various problems in the field of disarmament to be submitted as recommendations to the Assembly and, through it, to the negotiating body—the Conference of the Committee on Disarmament.

Other Organizations Created by and Reporting to the General Assembly:

- **Office of the United Nations Disaster Relief Coordinator (UNDRO)**—clearinghouse for information on relief needs and assistance, and mobilizer and coordinator of emergency assistance.

- **Office of the United Nations High Commissioner for Refugees (UNHCR)**—extends international protection and material assistance to refugees and negotiates with governments to resettle or repatriate refugees.

- **United Nations Centre for Human Settlements (Habitat)**—deals with the housing problems of the urban and rural poor in developing countries, providing technical assistance and training, organizing meetings, and disseminating information.

- **United Nations Children's Fund (UNICEF)**—provides technical and financial assistance to developing countries for programs benefiting children and also provides emergency relief to mothers and children. It is financed by voluntary contributions.

- **United Nations Conference on Trade and Development (UNCTAD)**—works to establish agreements on commodity stabilization and to codify principles of international trade that are conducive to development.

- **United Nations Fund for Women (UNIFEM)**—an autonomous agency associated with the U.N. Development Programme that supports projects benefiting women in developing countries. It is financed by voluntary contributions.

- **United Nations Development Programme (UNDP)**—coordinates the development work of all U.N. and related agencies. The world's largest multilateral technical assistance program (UNDP currently supports more than 6,000 projects around the world), it is financed by voluntary contributions.

- **United Nations Environment Programme (UNEP)**—monitors environmental conditions, implements environmental projects, develops recommended standards, promotes technical assistance and training, and supports the development of alternative energy sources. The U.N. system's principal body in the environment field.

- **United Nations Population Fund (UNFPA)**—helps countries to gather demographic information and to plan population projects. UNFPA is financed by the voluntary contributions of governments and its policies set by a Governing Council.

- **United Nations Institute for Training and Research (UNITAR)**—an autonomous organization within the U.N. that provides training to government and U.N. officials and conducts research on a variety of international issues.

- **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**—provides education, health, and relief services to Palestinian refugees.

- **United Nations University (UNU)**—an autonomous academic institution chartered by the General Assembly. It has a worldwide network of associated institutions, research units, individual scholars, and UNU fellows, coordinated through the UNU center in Tokyo, but no faculty or degree students.

- **United Nations International Research and Training Institute for the Advancement of Women (INSTRAW)**—an autonomous, voluntarily funded body that conducts research, training, and information activities to integrate women in development.

- **World Food Council (WFC)**—a 36-nation body that meets annually at the ministerial level to review major issues affecting the world food situation.

- **World Food Programme (WFP)**—jointly sponsored by the U.N. and the Food and Agriculture Organization, supplies both emergency food relief and food aid to support development projects.

II. SECURITY COUNCIL

The Security Council has primary responsibility within the U.N. system for maintaining international peace and security. It may determine the existence of any threat to international peace, make recommendations or take enforcement measures to resolve the problem, and establish U.N. peacekeeping forces. The Security Council has 15 members: five permanent members designated by the U.N. Charter and 10 nonpermanent members nominated by informal regional caucuses and elected for two-year terms; five are elected each year. Decisions on substantive matters require nine votes; a negative vote by any permanent member is sufficient to defeat the motion. Security Council resolutions are binding on all U.N. member states.

Permanent Members	Term Ending Dec. 31, 1994	Term Ending Dec. 31, 1995
China	Brazil	Argentina
France	Djibouti	Czech Republic
Russian Federation*	New Zealand	Nigeria
United Kingdom	Pakistan	Oman
United States	Spain	Rwanda

* *Inherited the permanent seat of the Soviet Union in 1991.*

III. ECONOMIC AND SOCIAL COUNCIL (ECOSOC)

Under the authority of the General Assembly, ECOSOC coordinates the economic and social work of the U.N. and its large family of specialized and affiliated institutions. ECOSOC meets once a year, alternating between New York and Geneva, for a four-to-five-week plenary session. The 54 members of ECOSOC are elected by the General Assembly for three-year terms; 18 are elected each year.

Term Expires Dec. 31, 1994

Angola
Australia
Bangladesh
Belarus
Belgium
Benin
Brazil
Colombia
Ethiopia
India
Italy
Kuwait
Madagascar
Philippines
Poland
Suriname
Swaziland
United States

Term Expires Dec. 31, 1995

Bahamas
Bhutan
Canada
China
Cuba
Denmark
Gabon
Libya
Mexico
Nigeria
Norway
Republic of Korea (South)
Romania
Russian Federation
Sri Lanka
Ukraine
United Kingdom
Zaire

Term Expires Dec. 31, 1996

Bulgaria
Chile
Costa Rica
Egypt
France
Germany
Ghana
Greece
Indonesia
Ireland
Japan
Pakistan
Paraguay
Portugal
Senegal
Tanzania
Venezuela
Zimbabwe

IV. TRUSTEESHIP COUNCIL

The five members of the Trusteeship Council—China, France, Russia, the U.K., and the U.S.—are also the five permanent members of the Security Council. At birth, the Trusteeship Council had more members and administered 11 trust territories, but as the latter achieved independence or joined neighboring independent countries, the membership of the Council was reduced. In 1991 the Security Council (which has final say on "strategic territories") voted to end trusteeship over three of four island groups belonging to the 11th territory: the U.S.-administered Trust Territory of the Pacific Islands. Trusteeship over the fourth island group, Palau—the U.N.'s last trust territory—was in process of termination by late 1993.

V. INTERNATIONAL COURT OF JUSTICE (WORLD COURT)

The International Court of Justice hears cases referred to it by the states involved and provides advisory opinions to the General Assembly and the Security Council at their request. It is made up of 15 members, who are elected by an absolute majority of both the Security Council and the General Assembly for nine-year terms; five judges are elected every three years.

Term Expires Feb. 5, 1997

Roberto Ago (Italy)
Mohammed Bedjaoui (Algeria)
Stephen M. Schwebel (United States)
Mohamed Shahabuddeen (Guyana)
Nikolai Konstantinovich Tarassov (Russian Federation)

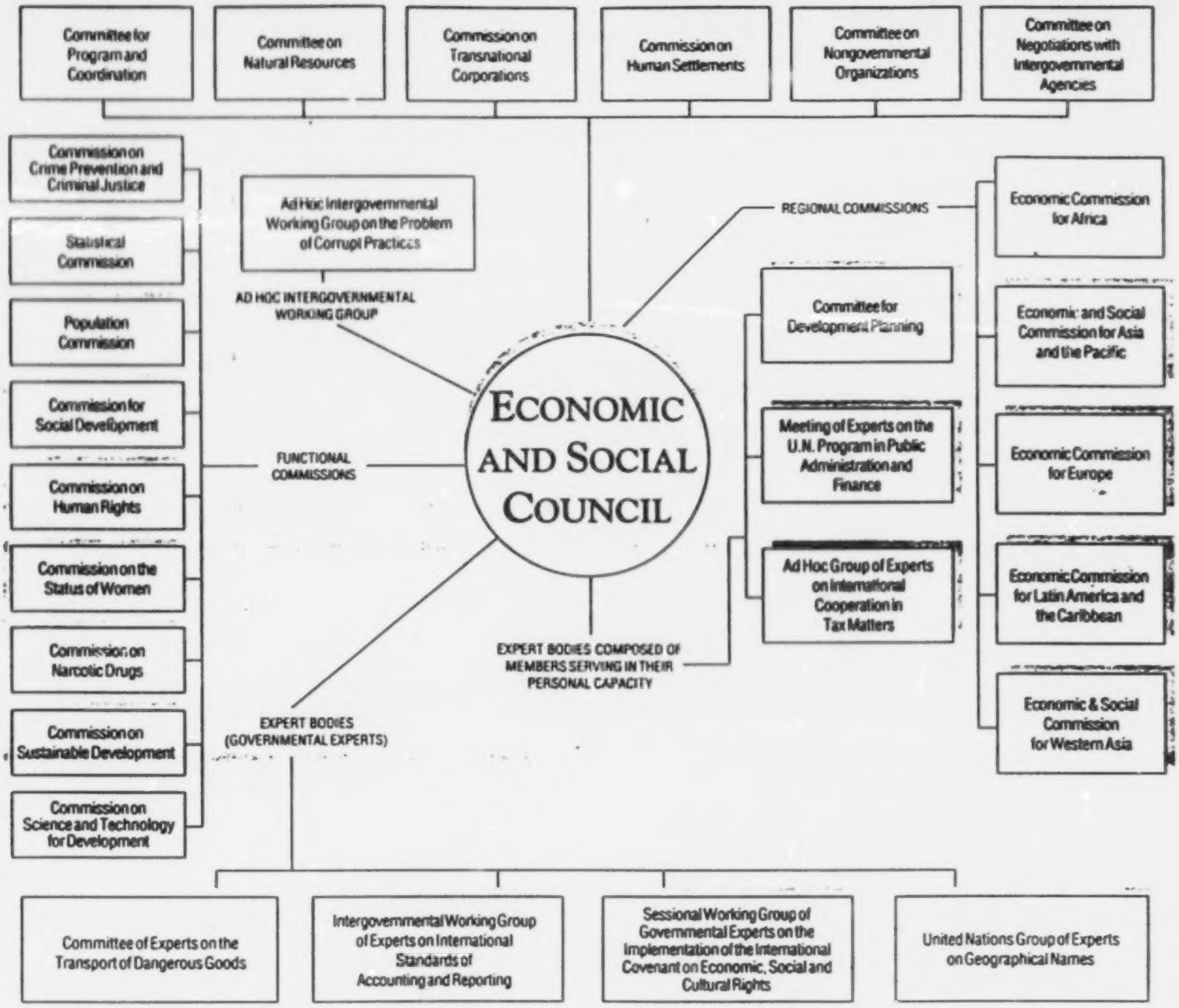
Term Expires Feb. 5, 2000

Andres Aguilar Mawdsley (Venezuela)
Gilbert Guillaume (France)
Robert Jennings (United Kingdom)
Christopher Gregory Weeramantry (Sri Lanka)
Raymond Rangeva (Madagascar)

Term Expires Feb. 5, 2003

Carl-August Fleischhauer (Germany)
Geza Herczegh (Hungary)
Abdul G. Koroma (Sierra Leone)
Shigeru Oda (Japan)
Jiuyong Shi (China)

ORGANIZATION OF THE ECONOMIC AND SOCIAL COUNCIL


Committee for Program and Coordination
Committee on Natural Resources
Commission on Transnational Corporations
Commission on Human Settlements
Committee on Nongovernmental Organizations
Committee on Negotiations with Intergovernmental Agencies
Commission on Crime Prevention and Criminal Justice
Statistical Commission
Population Commission
Commission for Social Development
Commission on Human Rights
Commission on the Status of Women
Commission on Narcotic Drugs
Commission on Sustainable Development
Commission on Science and Technology for Development
Ad Hoc Intergovernmental Working Group on the Problem of Corrupt Practices
AD HOC INTERGOVERNMENTAL WORKING GROUP
FUNCTIONAL COMMISSIONS
ECONOMIC AND SOCIAL COUNCIL
REGIONAL COMMISSIONS
Economic Commission for Africa
Economic and Social Commission for Asia and the Pacific
Economic Commission for Europe
Economic Commission for Latin America and the Caribbean
Economic & Social Commission for Western Asia
Committee for Development Planning
Meeting of Experts on the U.N. Program in Public Administration and Finance
Ad Hoc Group of Experts on International Cooperation in Tax Matters
EXPERT BODIES COMPOSED OF MEMBERS SERVING IN THEIR PERSONAL CAPACITY
EXPERT BODIES (GOVERNMENTAL EXPERTS)
Committee of Experts on the Transport of Dangerous Goods
Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting
Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights
United Nations Group of Experts on Geographical Names

VI. SECRETARIAT

The Secretariat administers the programs and policies established by the other U.N. organs. It is headed by the Secretary-General (currently Boutros Boutros-Ghali of Egypt), who is elected by the General Assembly upon the recommendation of the Security Council for a five-year term. The Secretary-General is authorized by the U.N. Charter to bring to the attention of the Security Council any matter that he believes may threaten international peace and security (Article 99) and may use his good offices to attempt to resolve international disputes.

An international civil service staff of some 14,000, drawn from 150 nations, carries out the day-to-day activities delegated to the Secretary-General. This number includes not only the men and women who work at U.N. Headquarters in New York and in offices in Geneva, Vienna, and elsewhere, but also the technical experts and economic advisors who oversee economic and peacekeeping projects in the field. (Not included are the staff members of the U.N. Development Programme, the U.N. High Commissioner for Refugees, and the U.N. Children's Fund—an additional 17,000 worldwide.) Article 100 of the Charter calls upon the Secretary-General and the staff to maintain their independence from governmental or other authority external to the Organization, and it calls upon member states to recognize and respect "the exclusively international character of the responsibilities of the Secretary-General and the staff."

The efficiency of the Secretariat has been undermined by an increase over time in the number of related and often overlapping departments and offices as well as the number of high-level officials who report directly to the Secretary-General. In February 1992, Secretary-General Boutros-Ghali began the process of restructuring the Secretariat with the elimination of 14 high-level posts and the consolidation of a dozen departments. During a second phase, begun in late 1992, the Secretary-General created three departments in the economic and social area and "redeployed activities" among U.N. Headquarters in New York and Europe.

VII. SPECIALIZED AGENCIES

The specialized agencies are autonomous intergovernmental organizations related to the U.N. by special agreements. They report annually to the Economic and Social Council.

■ **Food and Agriculture Organization of the United Nations (FAO)** works to increase food production, raise rural standards of living, and help countries cope with emergency food situations.

Jacques Diouf (Senegal),
Director-General
Via delle Terme de Caracalla
00100 Rome, Italy

Washington, D.C., Office:
1001 22nd Street, N.W., Suite 300
Washington, D.C. 20437

New York Liaison Office:
Suite DC1-1125
One United Nations Plaza
New York, N.Y. 10017

■ **International Civil Aviation Organization (ICAO)** works to facilitate and promote safe international air transportation by setting binding international standards and by recommending efficient practices. ICAO regulations govern international flights.

Dr. Philippe Rochat (Switzerland), Secretary-General
1000 Sherbrooke Street West
Montreal, Quebec PQ H3A 2R2
Canada

■ **International Fund for Agricultural Development (IFAD)** lends money on concessional terms for agricultural development projects, primarily to increase food production for the poorest rural populations.

Fawzi Hamad Al-Sultan (Kuwait),
President and Chairman of the Executive Board
Via Del Serafico 107
00142 Rome, Italy

New York Liaison Office:
Room S-2955
United Nations
New York, N.Y. 10017

■ **International Labour Organisation (ILO)** formulates international labor standards and provides technical assistance training to governments.

Michel Hansenne (Belgium),
Director-General
4 Route des Morillons
CH-1211 Geneva 22, Switzerland

Washington, D.C., Office:
1828 L Street, Suite 801
Washington, D.C. 20036

■ **International Maritime Organization (IMO)** promotes international cooperation on technical matters related to shipping and provides a forum to discuss and adopt conventions and recommendations on such matters as safety at sea and pollution control.

William A. O'Neil (Canada),
Secretary-General
4 Albert Embankment
London, SE1 7SR, England

■ **International Monetary Fund (IMF)** provides technical assistance and financing to countries that are experiencing balance of payments difficulties.

Michel Camdessus (France),
Managing Director
700 19th Street, N.W.
Washington, D.C. 20431

■ **International Telecommunication Union (ITU)** promotes international cooperation in telecommunications, allocates the radio-frequency spectrum, and collects and disseminates telecommunications information for its members.

Pekka J. Tarjanne (Finland),
Secretary-General
Place des Nations
CH-1211 Geneva 20, Switzerland

■ **United Nations Educational, Scientific and Cultural Organization (UNESCO)** pursues international intellectual cooperation in education, science, culture, and communications and promotes development by means of social, cultural, and economic projects.

Federico Zaragoza Mayor (Spain),
Director-General
UNESCO House
7, place de Fontenoy
75007 Paris, France

New York Liaison Office:
Two United Nations Plaza
Room DC2-0900
New York, N.Y. 10017

■ **United Nations Industrial Development Organization (UNIDO)**—to date, the only U.N. organ ever to be converted into an independent, specialized agency—serves as intermediary between developing and developed countries in the field of industry and as a forum for contacts, consultations, and negotiations to aid the growth of industrialization.

Mauricio de Maria y Campos (Mexico), Director-General
P.O. Box 300
Vienna International Centre
A-400 Vienna, Austria

New York Liaison Office
Room DC2-1116
Two United Nations Plaza
New York, N.Y. 10017

■ **Universal Postal Union (UPU)** sets international postal standards and provides technical assistance to developing countries.

Adwaldo Cardoso Botto de Barros (Brazil), Director-General
Union Postale Universelle
Weltpostrasse 4
Berne, Switzerland

■ **The World Bank** is actually three institutions: the International Bank for Reconstruction and Development (IBRD); the International Finance Corporation (IFC); and the International Development Association (IDA). IBRD lends funds to governments (or to private enterprises, if the government guarantees repayment), usually for specific, productive projects. IFC lends to private corporations without government guarantees. IDA provides interest-free "credits" to the world's poorest countries for a period of 50 years, with a ten-year grace period.

Lewis T. Preston (United States),
President
1818 H Street, N.W.
Washington, D.C. 20433

New York Liaison Office:
809 U.N. Plaza, 9th Floor
New York, N.Y. 10017

■ **World Health Organization (WHO)** conducts immunization campaigns, promotes and coordinates research, and provides technical assistance to countries that are improving their health systems. It is currently coordinating a major effort to control and cure acquired immune-deficiency syndrome—AIDS.

Dr. Hiroshi Nakajima (Japan),
Director-General
20 Avenue Appia
1211 Geneva 27, Switzerland

Pan-American Health Organization/ WHO Regional Office for the Americas:
5255 23rd Street, N.W.
Washington, D.C. 20036

■ **World Intellectual Property Organization (WIPO)** promotes the protection of intellectual property (e.g., patents and copyrights). It encourages adherence to relevant treaties, provides legal and technical assistance to developing countries, encourages technology transfers, and administers the International Union for the Protection of Industrial Property and the International Union for the Protection of Literary and Artistic Works.

Dr. Arpad Bogsch (United States),
Director-General
34 Chemin des Colombettes
CH-1211 Geneva 20, Switzerland

New York Liaison Office:
Room DC2-0560
Two United Nations Plaza
New York, N.Y. 10017

■ **World Meteorological Organization (WMO)** promotes the exchange and standardization of meteorological information through its World Weather Watch and conducts research and training programs.

G.O.P. Obasi (Nigeria),
Secretary-General
Case postale No. 2300
1211 Geneva 2, Switzerland
[Headquarters: 41 Avenue Giuseppe-Motta]

Other Autonomous Affiliated Organizations

■ **General [illegible] Tariffs and Trade (GATT)** is a multilateral regime that sets out norms and rules for international trade and provides a forum for their further elaboration.

Peter Sutherland (Ireland),
Director-General
Centre William Rappard
154, rue de Lausanne
CH-1211 Geneva 21,
Switzerland

■ **International Atomic Energy Agency (IAEA)** was established under [illegible] but is autonomous and not formally a specialized [illegible]. It promotes the [illegible] of nuclear energy, establishes standards for nuclear safety and environmental protection; and, by agreement with parties to the Non-Proliferation Treaty, carries out inspections to safeguard against diversion of nuclear materials to military uses.

Dr. Hans Blix (Sweden),
Director-General
Vienna International Centre
P.O. Box 100
A-1400 Vienna, Austria

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U.N. MEMBER STATES *(as of September 21, 1993)*

Membership in the United Nations has nearly quadrupled since the Organization's founding in 1945. There were 51 original member states; today there are 184 members, representing the majority of the world's nations.

- Afghanistan, Republic of
- Albania, Republic of
- Algeria
- Andorra, Principality of
- Angola, People's Republic of
- Antigua and Barbuda
- Argentina
- Armenia
- Australia
- Austria
- Azerbaijan (Azerbaijani Republic)
- Bahamas, Commonwealth of the
- Bahrain, State of
- Bangladesh, People's Republic of
- Barbados
- Belarus, Republic of
- Belgium
- Belize
- Benin, Republic of
- Bhutan, Kingdom of
- Bolivia
- Bosnia and Herzegovina
- Botswana
- Brazil
- Brunei Darussalam
- Bulgaria, Republic of
- Burkina Faso (formerly Upper Volta)
- Burundi, Republic of
- Cambodia, Kingdom of
- Cameroon, Republic of
- Canada
- Cape Verde, Republic of
- Central African Republic
- Chad, Republic of
- Chile
- China, People's Republic of
- Colombia
- Comoros, Federal Islamic Republic of the
- Congo, Republic of
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Cyprus
- Czech Republic
- Denmark
- Djibouti, Republic of
- Dominica, Commonwealth of
- Dominican Republic
- Ecuador
- Egypt, Arab Republic of
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia, Republic of
- Ethiopia
- Fiji, Republic of
- Finland
- France
- Gabon (Gabonese Republic)
- Gambia
- Georgia
- Germany
- Ghana
- Greece
- Grenada
- Guatemala
- Guinea, Republic of
- Guinea-Bissau, Republic of
- Guyana, Republic of
- Haiti
- Honduras
- Hungary, Republic of
- Iceland
- India
- Indonesia, Republic of
- Iran, Islamic Republic of
- Iraq
- Ireland
- Israel
- Italy
- Jamaica
- Japan
- Jordan, Hashemite Kingdom of
- Kazakhstan, Republic of
- Kenya, Republic of
- Korea, Democratic People's Republic of (North Korea)
- Korea, Republic of (South Korea)
- Kuwait, State of
- Kyrgyz Republic
- Lao People's Democratic Republic
- Latvia, Republic of
- Lebanon
- Lesotho, Kingdom of
- Liberia, Republic of
- Libyan Arab Jamahiriya
- Liechtenstein, Principality of
- Lithuania, Republic of
- Luxembourg
- Macedonia, Former Yugoslav Republic of
- Madagascar, Democratic Republic of
- Malawi, Republic of
- Malaysia
- Maldives, Republic of
- Mali, Republic of
- Malta
- Marshall Islands, Republic of the
- Mauritania, Islamic Republic of
- Mauritius
- Mexico
- Micronesia, Federated States of
- Moldova, Republic of
- Monaco
- Mongolia (Mongolian People's Republic)
- Morocco, Kingdom of
- Mozambique, Republic of
- Myanmar, Union of (formerly Burma)
- Namibia, Republic of
- Nepal, Kingdom of
- Netherlands, Kingdom of the
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Norway
- Oman
- Pakistan
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines, Republic of the
- Poland, Republic of
- Portugal
- Qatar, State of
- Romania
- Russian Federation
- Rwanda (Rwandese Republic)
- Saint Kitts and Nevis
- Saint Lucia
- Saint Vincent and the Grenadines
- Samoa, Independent State of Western
- San Marino, Republic of
- Sao Tome and Principe
- Saudi Arabia
- Senegal, Republic of
- Seychelles, Republic of
- Sierra Leone, Republic of
- Singapore, Republic of
- Slovak Republic
- Slovenia, Republic of
- Solomon Islands
- Somalia (Somali Democratic Republic)
- South Africa
- Spain
- Sri Lanka, Democratic Socialist Republic of
- Sudan, Republic of
- Suriname, Republic of
- Swaziland, Kingdom of
- Sweden
- Syrian Arab Republic
- Tajikistan, Republic of
- Tanzania, United Republic of
- Thailand
- Togo
- Trinidad and Tobago, Republic of
- Tunisia
- Turkey
- Turkmenistan
- Uganda, Republic of
- Ukraine
- United Arab Emirates
- United Kingdom of Great Britain and Northern Ireland
- United States of America
- Uruguay
- Uzbekistan, Republic of
- Vanuatu, Republic of
- Venezuela
- Viet Nam, Socialist Republic of
- Yemen, Republic of
- Yugoslavia
- Zaire, Republic of
- Zambia, Republic of
- Zimbabwe, Republic of

The following maintain Permanent Observer Missions to the U.N.:

- Holy See
- Switzerland (Swiss Confederation)

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12/93

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UNIVERSAL DECLARATION OF HUMAN RIGHTS (Abbreviated)

Now, therefore, THE GENERAL ASSEMBLY proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms . . . .

ARTICLE 1--Right to equality.
ARTICLE 2--Freedom from discrimination.
ARTICLE 3--Right to life, liberty, personal security.
ARTICLE 4--Freedom from slavery.
ARTICLE 5--Freedom from torture, degrading treatment.
ARTICLE 6--Right to recognition as a person before the law.
ARTICLE 7--Right to equality before the law.
ARTICLE 8--Right to remedy by competent tribunal.
ARTICLE 9--Freedom from arbitrary arrest, exile.
ARTICLE 10--Right to fair public hearing.
ARTICLE 11--Right to be considered innocent until proven guilty.
ARTICLE 12--Freedom from interference with privacy, family, home, correspondence.
ARTICLE 13--Right to free movement in and out of any country.
ARTICLE 14--Right to asylum in other countries from persecution.
ARTICLE 15--Right to a nationality and freedom to change it.
ARTICLE 16--Right to marriage and family.
ARTICLE 17--Right to own property.
ARTICLE 18--Freedom of belief and religion.
ARTICLE 19--Freedom of opinion and information.
ARTICLE 20--Right of peaceful assembly and association.
ARTICLE 21--Right to participate in government, and in free elections.
ARTICLE 22--Right to social security.
ARTICLE 23--Right to desirable work and to join trade unions.
ARTICLE 24--Right to rest and leisure.
ARTICLE 25--Right to adequate living standard.
ARTICLE 26--Right to education.
ARTICLE 27--Right to participate in the cultural life of community.
ARTICLE 28--Right to social order assuring human rights.
ARTICLE 29--Community duties essential to free and full development.
ARTICLE 30--Freedom from State or personal interference in the above rights.

December 10, 1948

UNIVERSAL DECLARATION
OF HUMAN RIGHTS

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and opposition, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations with other nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operative with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,
The General Assembly
proclaims
This Universal Declaration
of Human Rights

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-selfgoverning or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

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Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection against any law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 7

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

(1) Everyone charged with a penal offense has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, not to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

(1) Everyone has the right to freedom of movement and residence within the borders of each State.

(2) Everyone has the right to leave any country, including his own, and return to his country.

Article 14

(1) Everyone has the right to seek and enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at is dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal right for equal pay.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

*The covenant affirms a series of standards in economic, social, and cultural activities. Formulated as statements of goals to be achieved progressively rather than immediately, these standards are in general accord with U.S. law and practice. The covenant was adopted by the UN General Assembly in 1966 and 54 nations are parties. The United States has signed it and President Carter transmitted it to the Senate for advice and consent to ratification on February 23, 1978.**

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of the right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the United Nations Charter.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to nonnationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in this Covenant.

Article 4

The States Parties to the present Covenant recognize that in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person, any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

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*Letters of Transmittal and Submittal with suggested reservations, understandings, and declarations are to be found in the Annex.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

(a) Remuneration which provides all workers as a minimum with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; and

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedom of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, or of the police, or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Convention of 1948 on Freedom of Association and Protection of the Rights to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses;

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits;

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be

free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; and

(b) Take into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the still-birth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to choose for their children schools other than those established by the public authorities which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. (a) All reports shall be submitted to the Secretary-General of the United Nations who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant.

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant it will not be necessary to reproduce that information but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or as appropriate for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance, any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been

invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference the Secretary-General of the United Nations shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties being still bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

*Of the four UN treaties, this covenant is the most similar in conception to the U.S. Constitution and Bill of Rights. It consists primarily of limitations upon the power of the State to impose its will on the people under its jurisdiction and, in large measure, guarantees those civil and political rights with which the United States and the Western democratic tradition have always been associated. The covenant was adopted by the UN General Assembly in 1966 and 52 nations are parties. The United States has signed it and President Carter transmitted it to the Senate for advice and consent to ratification on February 23, 1978.**

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the

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*Letters of Transmittal and Submittal with suggested reservations, understandings, and declarations are to be found in the Annex.

Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of the right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the United Nations Charter.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall inform immediately the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and

Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

(b) The preceding sub-paragraph shall not be held to preclude in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that such court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*"ordre public"*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order (*"ordre public"*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juveniles otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself, or to confess guilt.

4. In the case of juveniles, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequently to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are pre-

scribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in the foregoing paragraph carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall be such only as are provided by law and are necessary, (1) for respect of the rights or reputations of others, (2) for the protection of national security or of public order ("*ordre public*"), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order ("ordre public"), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order ("*ordre public*"), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Convention of 1948 on Freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in the Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as required by his status as a minor, on the part of his family, the society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to equal protection of the law. In this respect the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

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PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as "the Committee"). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election of the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization as well as of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in paragraph 4 of article 30.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall

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provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(a) Twelve members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights; (a) within one year of the entry into force of the present Covenant for the States Parties concerned and (b) thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may after consultation with the Committee transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports and such general comments as it may consider appropriate to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication, the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State.

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

(d) The Committee shall hold closed meetings when examining communications under this article.

(e) Subject to the provisions of sub-paragraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in this Covenant.

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in sub-paragraph (b), to supply any relevant information.

(g) The States Parties concerned, referred to in sub-paragraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

(h) The Committee shall, within twelve months after the date of receipt of notice under sub-paragraph (b), submit a report:

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(i) If a solution within the terms of sub-paragraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution is not reached, within the terms of sub-paragraph (e), the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General of the United Nations unless the State Party concerned had made a new declaration.

Article 42

1. (a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an *ad hoc* Conciliation Commission (hereinafter referred to as "the Commission"). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission the members of the Commission concerning whom no agreement was reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the Commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned.

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter.

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached.

(c) If a solution within the terms of sub-paragraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, as well as its views on the possibilities of amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned.

(d) If the Commission's report is submitted under sub-paragraph (c), the States Parties concerned shall, within three months of the receipt of the report, inform the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned in accordance with paragraph 9 of this article.

Article 43

The members of the Committee and of the *ad hoc* conciliation commissions which may be appointed under article 41, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference the Secretary-General of the United Nations shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties being still bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;

(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

The Optional Protocol to the Covenant on Civil and Political Rights was approved by the UN General Assembly on December 16, 1966. It is closely related to the Covenant, but is a separate treaty to which only 20 of the parties to the covenant have adhered.

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the Covenant on Civil and Political Rights (hereinafter referred to as "the Covenant") and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as "the Committee") to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant,

Have agreed as follows:

Article 1

A State Party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals, subject to its jurisdiction, claiming to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.

Article 2

Subject to the provision of article 1, individuals claiming that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible any communication under this Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

Article 4

1. Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Covenant.

2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 5

1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that:

(a) the same matter is not being examined under another procedure of international investigation or settlement;

(b) the individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.

3. The Committee shall hold closed meetings when examining communications under the present Protocol.

4. The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of General Assembly resolution 1514 (XV) of 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

Article 8

1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 9

1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

2. For each State ratifying the present Protocol

or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 10

The provision of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 11

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference the Secretary-General of the United Nations shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties being still bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 12

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General of the United Nations.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

Article 13

Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

(a) Signatures, ratifications and accessions under article 8;

(b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;

(c) Denunciations under article 12.

Article 14

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

A/CONF. 157/24 (Part I)

1993 VIENNA DECLARATION

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.157/24 (Part I)
13 October 1993

Original: ENGLISH

WORLD CONFERENCE ON HUMAN RIGHTS
Vienna, 14-25 June 1993

Report of the World Conference on Human Rights

Report of the Secretary-General

GE.93-85346 (E)

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II. ADOPTION OF THE VIENNA DECLARATION AND REPORT OF THE CONFERENCE

88. At its 22nd plenary meeting, on 25 June 1993, the Conference adopted, by acclamation, the draft final declaration, as recommended by the Drafting Committee, entitled "The Vienna Declaration and Programme of Action" (A/CONF.157/23).

89. The text of the Vienna Declaration, as adopted, is reproduced in chapter III.

90. At the same meeting, statements concerning the Vienna Declaration and Programme of Action were made by the representatives of: Argentina, Canada, Chile, Denmark, Egypt, France, Holy See, India, Indonesia, Iraq, Israel, Kenya, Kyrgyzstan, Lebanon, Malawi, Philippines, Poland (on behalf of the Eastern European Group), Russian Federation, Saudi Arabia, The Former Yugoslav Republic of Macedonia, Turkey, United Republic of Tanzania, United States of America, Venezuela (on behalf of the Latin American and the Caribbean Group), Yemen.

91. At the same meeting, the observer for Palestine made a statement.

92. These statements are reproduced in annex IX.

93. At the same meeting, the Conference adopted the draft report of the World Conference on Human Rights (A/CONF.157/L.1 and Add.1-2).

III. VIENNA DECLARATION AND PROGRAMME OF ACTION

The World Conference on Human Rights,

Considering that the promotion and protection of human rights is a matter of priority for the international community, and that the Conference affords a unique opportunity to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights, in order to enhance and thus promote a fuller observance of those rights, in a just and balanced manner,

Recognizing and affirming that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms,

Reaffirming their commitment to the purposes and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action, placing proper emphasis on developing effective international cooperation for the realization of the purposes set out in Article 55, including universal respect for, and observance of, human rights and fundamental freedoms for all,

Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling the Preamble to the Charter of the United Nations, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

Recalling also the determination expressed in the Preamble of the Charter of the United Nations to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Emphasizing that the Universal Declaration of Human Rights, which constitutes a common standard of achievement for all peoples and all nations, is the source of inspiration and has been the basis for the United Nations in making advances in standard setting as contained in the existing international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Considering the major changes taking place on the international scene and the aspirations of all the peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self -determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity,

Deeply concerned by various forms of discrimination and violence, to which women continue to be exposed all over the world,

Recognizing that the activities of the United Nations in the field of human rights should be rationalized and enhanced in order to strengthen the United Nations machinery in this field and to further the objectives of universal respect for observance of international human rights standards,

Having taken into account the Declarations adopted by the three regional meetings at Tunis, San José and Bangkok and the contributions made by Governments, and bearing in mind the suggestions made by intergovernmental and non-governmental organizations, as well as the studies prepared by independent experts during the preparatory process leading to the World Conference on Human Rights,

Welcoming the International Year of the World's Indigenous People 1993 as a reaffirmation of the commitment of the international community to ensure their enjoyment of all human rights and fundamental freedoms and to respect the value and diversity of their cultures and identities,

Recognizing also that the international community should devise ways and means to remove the current obstacles and meet challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting thereof throughout the world,

Invoking the spirit of our age and the realities of our time which call upon the peoples of the world and all States Members of the United Nations to rededicate themselves to the global task of promoting and protecting all human rights and fundamental freedoms so as to secure full and universal enjoyment of these rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Solemnly adopts **the Vienna Declaration and Programme of Action.**

I

1. The World Conference on Human Rights reaffirms the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for

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all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question.

In this framework, enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations.

Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments.

2. All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development.

Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, the World Conference on Human Rights recognizes the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right of self-determination. The World Conference on Human Rights considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realization of this right.

In accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations, this shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.

3. Effective international measures to guarantee and monitor the implementation of human rights standards should be taken in respect of people under foreign occupation, and effective legal protection against the violation of their human rights should be provided, in accordance with human rights norms and international law, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 14 August 1949, and other applicable norms of humanitarian law.

4. The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community. The organs and specialized agencies related to human rights should therefore further enhance the coordination of their activities based on the consistent and objective application of international human rights instruments.

5. All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

6. The efforts of the United Nations system towards the universal respect for, and observance of, human rights and fundamental freedoms for all, contribute to the stability and well-being necessary for peaceful and friendly relations among nations, and to improved conditions for peace and security as well as social and economic development, in conformity with the Charter of the United Nations.

7. The processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations, and international law.

8. Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.

9. The World Conference on Human Rights reaffirms that least developed countries committed to the process of democratization and economic reforms, many of which are in Africa, should be supported by the international community in order to succeed in their transition to democracy and economic development.

10. The World Conference on Human Rights reaffirms the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights.

As stated in the Declaration on the Right to Development, the human person is the central subject of development.

While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights.

States should cooperate with each other in ensuring development and eliminating obstacles to development. The international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development.

Lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level.

11. The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. The World Conference on Human Rights recognizes that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone.

Consequently, the World Conference on Human Rights calls on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and waste and to cooperate in the prevention of illicit dumping.

Everyone has the right to enjoy the benefits of scientific progress and its applications. The World Conference on Human Rights notes that certain advances, notably in the biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual, and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern

12. The World Conference on Human Rights calls upon the international community to make all efforts to help alleviate the external debt burden of developing countries, in order to supplement the efforts of the Governments of such countries to attain the full realization of the economic, social and cultural rights of their people.

13. There is a need for States and international organizations, in cooperation with non-governmental organizations, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of human rights. States should eliminate all violations of human rights and their causes, as well as obstacles to the enjoyment of these rights.

14. The existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights; its immediate alleviation and eventual elimination must remain a high priority for the international community.

15. Respect for human rights and for fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law. The speedy and comprehensive elimination of all forms of racism and racial discrimination, xenophobia and related intolerance is a priority task for the international community. Governments should take effective measures to prevent and combat them. Groups, institutions, intergovernmental and non-governmental organizations and individuals are urged to intensify their efforts in cooperating and coordinating their activities against these evils.

16. The World Conference on Human Rights welcomes the progress made in dismantling apartheid and calls upon the international community and the United Nations system to assist in this process.

The World Conference on Human Rights also deplores the continuing acts of violence aimed at undermining the quest for a peaceful dismantling of apartheid.

17. The acts, methods and practices of terrorism in all its forms and manifestations as well as linkage in some countries to drug trafficking are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments. The international community should take the necessary steps to enhance cooperation to prevent and combat terrorism.

18. The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support.

The human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women.

The World Conference on Human Rights urges Governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of human rights of women and the girl-child.

19. Considering the importance of the promotion and protection of the rights of persons belonging to minorities and the contribution of such promotion and protection to the political and social stability of the States in which such persons live,

The World Conference on Human Rights reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The persons belonging to minorities have the right to enjoy their own culture, to profess and practise their own religion and to use their own language in private and in public, freely and without interference or any form of discrimination.

20. The World Conference on Human Rights recognizes the inherent dignity and the unique contribution of indigenous people to the development and plurality of society and strongly reaffirms the commitment of the international community to their economic, social and cultural well-being and their enjoyment of the fruits of sustainable development. States should ensure the full and free participation of indigenous people in all aspects of society, in particular in matters of concern to them. Considering the importance of the promotion and protection of the rights of indigenous people, and the contribution of such promotion and protection to the political and social stability of the States in which such people live, States should, in accordance with international law, take concerted positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and recognize the value and diversity of their distinct identities, cultures and social organization.

21. The World Conference on Human Rights, welcoming the early ratification of the Convention on the Rights of the Child by a large number of States and noting the recognition of the human rights of children in the World Declaration on the Survival, Protection and Development of Children and Plan of Action adopted by the World Summit for Children, urges universal ratification of the Convention by 1995 and its effective implementation by States parties through the adoption of all the necessary legislative, administrative and other measures and the allocation to the maximum extent of the available resources. In all actions concerning children, non-discrimination and the best interest of the child should be primary considerations and the views of the child given due weight. National and international mechanisms and programmes should be strengthened for the defence and protection of children, in particular, the girl-child, abandoned children, street children, economically and sexually exploited children, including through child pornography, child prostitution or sale of organs, children victims of diseases including acquired immunodeficiency syndrome, refugee and displaced children, children in detention, children in armed conflict, as well as children victims of famine and drought and other emergencies. International cooperation and solidarity should be promoted to support the implementation of the Convention and the rights of the child should be a priority in the United Nations system-wide action on human rights.

The World Conference on Human Rights also stresses that the child for the full and harmonious development of his or her personality should grow up in a family environment which accordingly merits broader protection.

22. Special attention needs to be paid to ensuring non-discrimination, and the equal enjoyment of all human rights and fundamental freedoms by disabled persons, including their active participation in all aspects of society.

23. The World Conference on Human Rights reaffirms that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to one's own country. In this respect it stresses the importance of the Universal Declaration of Human Rights, the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and regional instruments. It expresses its appreciation to States that continue to admit and host large numbers of refugees in their territories, and to the Office of the United Nations High

Commissioner for Refugees for its dedication to its task. It also expresses its appreciation to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

The World Conference on Human Rights recognizes that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people.

The World Conference on Human Rights recognizes that, in view of the complexities of the global refugee crisis and in accordance with the Charter of the United Nations, relevant international instruments and international solidarity and in the spirit of burden-sharing, a comprehensive approach by the international community is needed in coordination and cooperation with the countries concerned and relevant organizations, bearing in mind the mandate of the United Nations High Commissioner for Refugees. This should include the development of strategies to address the root causes and effects of movements of refugees and other displaced persons, the strengthening of emergency preparedness and response mechanisms, the provision of effective protection and assistance, bearing in mind the special needs of women and children, as well as the achievement of durable solutions, primarily through the preferred solution of dignified and safe voluntary repatriation, including solutions such as those adopted by the international refugee conferences. The World Conference on Human Rights underlines the responsibilities of States, particularly as they relate to the countries of origin.

In the light of the comprehensive approach, the World Conference on Human Rights emphasizes the importance of giving special attention including through intergovernmental and humanitarian organizations and finding lasting solutions to questions related to internally displaced persons including their voluntary and safe return and rehabilitation.

In accordance with the Charter of the United Nations and the principles of humanitarian law, the World Conference on Human Rights further emphasizes the importance of and the need for humanitarian assistance to victims of all natural and man-made disasters.

24. Great importance must be given to the promotion and protection of the human rights of persons belonging to groups which have been rendered vulnerable, including migrant workers, the elimination of all forms of discrimination against them, and the strengthening and more effective implementation of existing human rights instruments. States have an obligation to create and maintain adequate measures at the national level, in particular in the fields of education, health and social support, for the promotion and protection of the rights of persons in vulnerable sectors of their populations and to ensure the participation of those among them who are interested in finding a solution to their own problems.

25. The World Conference on Human Rights affirms that extreme poverty and social exclusion constitute a violation of human dignity and that urgent steps are necessary to achieve better knowledge of extreme poverty and its causes, including those related to the problem of development, in order to promote the human rights of the poorest, and to put an end to extreme poverty and social exclusion and to promote the enjoyment of the fruits of social progress. It

is essential for States to foster participation by the poorest people in the decision-making process by the community in which they live, the promotion of human rights and efforts to combat extreme poverty.

26. The World Conference on Human Rights welcomes the progress made in the codification of human rights instruments, which is a dynamic and evolving process, and urges the universal ratification of human rights treaties. All States are encouraged to accede to these international instruments; all States are encouraged to avoid, as far as possible, the resort to reservations.

27. Every State should provide an effective framework of remedies to redress human rights grievances or violations. The administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development. In this context, institutions concerned with the administration of justice should be properly funded, and an increased level of both technical and financial assistance should be provided by the international community. It is incumbent upon the United Nations to make use of special programmes of advisory services on a priority basis for the achievement of a strong and independent administration of justice.

28. The World Conference on Human Rights expresses its dismay at massive violations of human rights especially in the form of genocide, "ethnic cleansing" and systematic rape of women in war situations, creating mass exodus of refugees and displaced persons. While strongly condemning such abhorrent practices it reiterates the call that perpetrators of such crimes be punished and such practices immediately stopped.

29. The World Conference on Human Rights expresses grave concern about continuing human rights violations in all parts of the world in disregard of standards as contained in international human rights instruments and international humanitarian law and about the lack of sufficient and effective remedies for the victims.

The World Conference on Human Rights is deeply concerned about violations of human rights during armed conflicts, affecting the civilian population, especially women, children, the elderly and the disabled. The Conference therefore calls upon States and all parties to armed conflicts strictly to observe international humanitarian law, as set forth in the Geneva Conventions of 1949 and other rules and principles of international law, as well as minimum standards for protection of human rights, as laid down in international conventions.

The World Conference on Human Rights reaffirms the right of the victims to be assisted by humanitarian organizations, as set forth in the Geneva Conventions of 1949 and other relevant instruments of international humanitarian law, and calls for the safe and timely access for such assistance.

30. The World Conference on Human Rights also expresses its dismay and condemnation that gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of all human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism, racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, discrimination against women and lack of the rule of law.

31. The World Conference on Human Rights calls upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of the human rights set forth in the Universal Declaration of Human Rights and international human rights instruments, in particular the rights of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services. The World Conference on Human Rights affirms that food should not be used as a tool for political pressure.

32. The World Conference on Human Rights reaffirms the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues.

33. The World Conference on Human Rights reaffirms that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms. The World Conference on Human Rights emphasizes the importance of incorporating the subject of human rights education programmes and calls upon States to do so. Education should promote understanding, tolerance, peace and friendly relations between the nations and all racial or religious groups and encourage the development of United Nations activities in pursuance of these objectives. Therefore, education on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels. The World Conference on Human Rights notes that resource constraints and institutional inadequacies may impede the immediate realization of these objectives.

34. Increased efforts should be made to assist countries which so request to create the conditions whereby each individual can enjoy universal human rights and fundamental freedoms. Governments, the United Nations system as well as other multilateral organizations are urged to increase considerably the resources allocated to programmes aiming at the establishment and strengthening of national legislation, national institutions and related

infrastructures which uphold the rule of law and democracy, electoral assistance, human rights awareness through training, teaching and education, popular participation and civil society.

The programmes of advisory services and technical cooperation under the Centre for Human Rights should be strengthened as well as made more efficient and transparent and thus become a major contribution to improving respect for human rights. States are called upon to increase their contributions to these programmes, both through promoting a larger allocation from the United Nations regular budget, and through voluntary contributions.

35. The full and effective implementation of United Nations activities to promote and protect human rights must reflect the high importance accorded to human rights by the Charter of the United Nations and the demands of the United Nations human rights activities, as mandated by Member States. To this end, United Nations human rights activities should be provided with increased resources.

36. The World Conference on Human Rights reaffirms the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information, and education in human rights.

The World Conference on Human Rights encourages the establishment and strengthening of national institutions, having regard to the "Principles relating to the status of national institutions" and recognizing that it is the right of each State to choose the framework which is best suited to its particular needs at the national level.

37. Regional arrangements play a fundamental role in promoting and protecting human rights. They should reinforce universal human rights standards, as contained in international human rights instruments, and their protection. The World Conference on Human Rights endorses efforts under way to strengthen these arrangements and to increase their effectiveness, while at the same time stressing the importance of cooperation with the United Nations human rights activities.

The World Conference on Human Rights reiterates the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist.

38. The World Conference on Human Rights recognizes the important role of non-governmental organizations in the promotion of all human rights and in humanitarian activities at national, regional and international levels. The World Conference on Human Rights appreciates their contribution to increasing public awareness of human rights issues, to the conduct of education, training and research in this field, and to the promotion and protection of all human rights and fundamental freedoms. While recognizing that the primary responsibility for standard-setting lies with States, the conference also appreciates the contribution of non-governmental organizations to this process. In this respect, the World Conference on Human Rights emphasizes the importance of continued dialogue and cooperation between Governments and

non-governmental organizations. Non-governmental organizations and their members genuinely involved in the field of human rights should enjoy the rights and freedoms recognized in the Universal Declaration of Human Rights, and the protection of the national law. These rights and freedoms may not be exercised contrary to the purposes and principles of the United Nations. Non-governmental organizations should be free to carry out their human rights activities, without interference, within the framework of national law and the Universal Declaration of Human Rights.

39. Underlining the importance of objective, responsible and impartial information about human rights and humanitarian issues, the World Conference on Human Rights encourages the increased involvement of the media, for whom freedom and protection should be guaranteed within the framework of national law.

II

A. Increased coordination on human rights within the United Nations system

1. The World Conference on Human Rights recommends increased coordination in support of human rights and fundamental freedoms within the United Nations system. To this end, the World Conference on Human Rights urges all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication. The World Conference on Human Rights also recommends to the Secretary-General that high-level officials of relevant United Nations bodies and specialized agencies at their annual meeting, besides coordinating their activities, also assess the impact of their strategies and policies on the enjoyment of all human rights.

2. Furthermore, the World Conference on Human Rights calls on regional organizations and prominent international and regional finance and development institutions to assess also the impact of their policies and programmes on the enjoyment of human rights.

3. The World Conference on Human Rights recognizes that relevant specialized agencies and bodies and institutions of the United Nations system as well as other relevant intergovernmental organizations whose activities deal with human rights play a vital role in the formulation, promotion and implementation of human rights standards, within their respective mandates, and should take into account the outcome of the World Conference on Human Rights within their fields of competence.

4. The World Conference on Human Rights strongly recommends that a concerted effort be made to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols adopted within the framework of the United Nations system with the aim of universal acceptance. The Secretary-General, in consultation with treaty bodies, should consider opening a dialogue with States not having acceded to these human rights treaties, in order to identify obstacles and to seek ways of overcoming them.

5. The World Conference on Human Rights encourages States to consider limiting the extent of any reservations they lodge to international human rights instruments, formulate any reservations as precisely and narrowly as possible, ensure that none is incompatible with the object and purpose of the relevant treaty and regularly review any reservations with a view to withdrawing them.

6. The World Conference on Human Rights, recognizing the need to maintain consistency with the high quality of existing international standards and to avoid proliferation of human rights instruments, reaffirms the guidelines relating to the elaboration of new international instruments contained in General Assembly resolution 41/120 of 4 December 1986 and calls on the United Nations human rights bodies, when considering the elaboration of new international standards, to keep those guidelines in mind, to consult with human rights treaty bodies on the necessity for drafting new standards and to request the Secretariat to carry out technical reviews of proposed new instruments.

7. The World Conference on Human Rights recommends that human rights officers be assigned if and when necessary to regional offices of the United Nations Organization with the purpose of disseminating information and offering training and other technical assistance in the field of human rights upon the request of concerned Member States. Human rights training for international civil servants who are assigned to work relating to human rights should be organized.

8. The World Conference on Human Rights welcomes the convening of emergency sessions of the Commission on Human Rights as a positive initiative and that other ways of responding to acute violations of human rights be considered by the relevant organs of the United Nations system.

Resources

9. The World Conference on Human Rights, concerned by the growing disparity between the activities of the Centre for Human Rights and the human, financial and other resources available to carry them out, and bearing in mind the resources needed for other important United Nations programmes, requests the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extrabudgetary resources.

10. Within this framework, an increased proportion of the regular budget should be allocated directly to the Centre for Human Rights to cover its costs and all other costs borne by the Centre for Human Rights, including those related to the United Nations human rights bodies. Voluntary funding of the Centre's technical cooperation activities should reinforce this enhanced budget; the World Conference on Human Rights calls for generous contributions to the existing trust funds.

11. The World Conference on Human Rights requests the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities.

12. The World Conference on Human Rights, noting the need to ensure that human and financial resources are available to carry out the human rights activities, as mandated by intergovernmental bodies, urges the Secretary-General, in accordance with Article 101 of the Charter of the United Nations, and Member States to adopt a coherent approach aimed at securing that resources commensurate to the increased mandates are allocated to the Secretariat. The World Conference on Human Rights invites the Secretary-General to consider whether adjustments to procedures in the programme budget cycle would be necessary or helpful to ensure the timely and effective implementation of human rights activities as mandated by Member States.

Centre for Human Rights

13. The World Conference on Human Rights stresses the importance of strengthening the United Nations Centre for Human Rights.

14. The Centre for Human Rights should play an important role in coordinating system-wide attention for human rights. The focal role of the Centre can best be realized if it is enabled to cooperate fully with other United Nations bodies and organs. The coordinating role of the Centre for Human Rights also implies that the office of the Centre for Human Rights in New York is strengthened.

15. The Centre for Human Rights should be assured adequate means for the system of thematic and country rapporteurs, experts, working groups and treaty bodies. Follow-up on recommendations should become a priority matter for consideration by the Commission on Human Rights.

16. The Centre for Human Rights should assume a larger role in the promotion of human rights. This role could be given shape through cooperation with Member States and by an enhanced programme of advisory services and technical assistance. The existing voluntary funds will have to be expanded substantially for these purposes and should be managed in a more efficient and coordinated way. All activities should follow strict and transparent project management rules and regular programme and project evaluations should be held periodically. To this end, the results of such evaluation exercises and other relevant information should be made available regularly. The Centre should, in particular, organize at least once a year information meetings open to all Member States and organizations directly involved in these projects and programmes.

Adaptation and strengthening of the United Nations machinery for human rights, including the question of the establishment of a United Nations High Commissioner for Human Rights

17. The World Conference on Human Rights recognizes the necessity for a continuing adaptation of the United Nations human rights machinery to the

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current and future needs in the promotion and protection of human rights, as reflected in the present Declaration and within the framework of a balanced and sustainable development for all people. In particular, the United Nations human rights organs should improve their coordination, efficiency and effectiveness.

18. The World Conference on Human Rights recommends to the General Assembly that when examining the report of the Conference at its forty-eighth session, it begin, as a matter of priority, consideration of the question of the establishment of a High Commissioner for Human Rights for the promotion and protection of all human rights.

B. Equality, dignity and tolerance

1. Racism, racial discrimination, xenophobia and other forms of intolerance

19. The World Conference on Human Rights considers the elimination of racism and racial discrimination, in particular in their institutionalized forms such as apartheid or resulting from doctrines of racial superiority or exclusivity or contemporary forms and manifestations of racism, as a primary objective for the international community and a worldwide promotion programme in the field of human rights. United Nations organs and agencies should strengthen their efforts to implement such a programme of action related to the third decade to combat racism and racial discrimination as well as subsequent mandates to the same end. The World Conference on Human Rights strongly appeals to the international community to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

20. The World Conference on Human Rights urges all Governments to take immediate measures and to develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance, where necessary by enactment of appropriate legislation, including penal measures, and by the establishment of national institutions to combat such phenomena.

21. The World Conference on Human Rights welcomes the decision of the Commission on Human Rights to appoint a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The World Conference on Human Rights also appeals to all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider making the declaration under article 14 of the Convention.

22. The World Conference on Human Rights calls upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion. The Conference also invites all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

23. The World Conference on Human Rights stresses that all persons who perpetrate or authorize criminal acts associated with ethnic cleansing are individually responsible and accountable for such human rights violations, and that the international community should exert every effort to bring those legally responsible for such violations to justice.

24. The World Conference on Human Rights calls on all States to take immediate measures, individually and collectively, to combat the practice of ethnic cleansing to bring it quickly to an end. Victims of the abhorrent practice of ethnic cleansing are entitled to appropriate and effective remedies.

2. Persons belonging to national or ethnic, religious and linguistic minorities

25. The World Conference on Human Rights calls on the Commission on Human Rights to examine ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. In this context, the World Conference on Human Rights calls upon the Centre for Human Rights to provide, at the request of Governments concerned and as part of its programme of advisory services and technical assistance, qualified expertise on minority issues and human rights, as well as on the prevention and resolution of disputes, to assist in existing or potential situations involving minorities.

26. The World Conference on Human Rights urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in accordance with the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

27. Measures to be taken, where appropriate, should include facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country.

Indigenous people

28. The World Conference on Human Rights calls on the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to complete the drafting of a declaration on the rights of indigenous people at its eleventh session.

29. The World Conference on Human Rights recommends that the Commission on Human Rights consider the renewal and updating of the mandate of the Working Group on Indigenous Populations upon completion of the drafting of a declaration on the rights of indigenous people.

30. The World Conference on Human Rights also recommends that advisory services and technical assistance programmes within the United Nations system respond positively to requests by States for assistance which would be of direct benefit to indigenous people. The World Conference on Human Rights

further recommends that adequate human and financial resources be made available to the Centre for Human Rights within the overall framework of strengthening the Centre's activities as envisaged by this document.

31. The World Conference on Human Rights urges States to ensure the full and free participation of indigenous people in all aspects of society, in particular in matters of concern to them.

32. The World Conference on Human Rights recommends that the General Assembly proclaim an international decade of the world's indigenous people, to begin from January 1994, including action-orientated programmes, to be decided upon in partnership with indigenous people. An appropriate voluntary trust fund should be set up for this purpose. In the framework of such a decade, the establishment of a permanent forum for indigenous people in the United Nations system should be considered.

Migrant workers

33. The World Conference on Human Rights urges all States to guarantee the protection of the human rights of all migrant workers and their families.

34. The World Conference on Human Rights considers that the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside is of particular importance.

35. The World Conference on Human Rights invites States to consider the possibility of signing and ratifying, at the earliest possible time, the International Convention on the Rights of All Migrant Workers and Members of Their Families.

3. The equal status and human rights of women

36. The World Conference on Human Rights urges the full and equal enjoyment by women of all human rights and that this be a priority for Governments and for the United Nations. The World Conference on Human Rights also underlines the importance of the integration and full participation of women as both agents and beneficiaries in the development process, and reiterates the objectives established on global action for women towards sustainable and equitable development set forth in the Rio Declaration on Environment and Development and chapter 24 of Agenda 21, adopted by the United Nations Conference on Environment and Development (Rio de Janeiro, Brazil, 3-14 June 1992).

37. The equal status of women and the human rights of women should be integrated into the mainstream of United Nations system-wide activity. These issues should be regularly and systematically addressed throughout relevant United Nations bodies and mechanisms. In particular, steps should be taken to increase cooperation and promote further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee for the Elimination of Discrimination against Women, the United Nations Development Fund for Women, the United Nations Development

Programme and other United Nations agencies. In this context, cooperation and coordination should be strengthened between the Centre for Human Rights and the Division for the Advancement of Women.

38. In particular, the World Conference on Human Rights stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism. The World Conference on Human Rights calls upon the General Assembly to adopt the draft declaration on violence against women and urges States to combat violence against women in accordance with its provisions. Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery, and forced pregnancy, require a particularly effective response.

39. The World Conference on Human Rights urges the eradication of all forms of discrimination against women, both hidden and overt. The United Nations should encourage the goal of universal ratification by all States of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000. Ways and means of addressing the particularly large number of reservations to the Convention should be encouraged. *Inter alia*, the Committee on the Elimination of Discrimination against Women should continue its review of reservations to the Convention. States are urged to withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law.

40. Treaty monitoring bodies should disseminate necessary information to enable women to make more effective use of existing implementation procedures in their pursuits of full and equal enjoyment of human rights and non-discrimination. New procedures should also be adopted to strengthen implementation of the commitment to women's equality and the human rights of women. The Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women should quickly examine the possibility of introducing the right of petition through the preparation of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The World Conference on Human Rights welcomes the decision of the Commission on Human Rights to consider the appointment of a special rapporteur on violence against women at its fiftieth session.

41. The World Conference on Human Rights recognizes the importance of the enjoyment by women of the highest standard of physical and mental health throughout their life span. In the context of the World Conference on Women and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Proclamation of Tehran of 1968, the World Conference on Human Rights reaffirms, on the basis of equality between women and men, a woman's right to accessible and adequate health care and the widest range of family planning services, as well as equal access to education at all levels.

42. Treaty monitoring bodies should include the status of women and the human rights of women in their deliberations and findings, making use of gender-specific data. States should be encouraged to supply information on the situation of women de jure and de facto in their reports to treaty monitoring bodies. The World Conference on Human Rights notes with satisfaction that the Commission on Human Rights adopted at its forty-ninth session resolution 1993/46 of 8 March 1993 stating that rapporteurs and working groups in the field of human rights should also be encouraged to do so. Steps should also be taken by the Division for the Advancement of Women in cooperation with other United Nations bodies, specifically the Centre for Human Rights, to ensure that the human rights activities of the United Nations regularly address violations of women's human rights, including gender-specific abuses. Training for United Nations human rights and humanitarian relief personnel to assist them to recognize and deal with human rights abuses particular to women and to carry out their work without gender bias should be encouraged.

43. The World Conference on Human Rights urges Governments and regional and international organizations to facilitate the access of women to decision-making posts and their greater participation in the decision-making process. It encourages further steps within the United Nations Secretariat to appoint and promote women staff members in accordance with the Charter of the United Nations, and encourages other principal and subsidiary organs of the United Nations to guarantee the participation of women under conditions of equality.

44. The World Conference on Human Rights welcomes the World Conference on Women to be held in Beijing in 1995 and urges that human rights of women should play an important role in its deliberations, in accordance with the priority themes of the World Conference on Women of equality, development and peace.

4. The rights of the child

45. The World Conference on Human Rights reiterates the principle of "First Call for Children" and, in this respect, underlines the importance of major national and international efforts, especially those of the United Nations Children's Fund, for promoting respect for the rights of the child to survival, protection, development and participation.

46. Measures should be taken to achieve universal ratification of the Convention on the Rights of the Child by 1995 and the universal signing of the World Declaration on the Survival, Protection and Development of Children and Plan of Action adopted by the World Summit for Children, as well as their effective implementation. The World Conference on Human Rights urges States to withdraw reservations to the Convention on the Rights of the Child contrary to the object and purpose of the Convention or otherwise contrary to international treaty law.

47. The World Conference on Human Rights urges all nations to undertake measures to the maximum extent of their available resources, with the support of international cooperation, to achieve the goals in the World Summit Plan of Action. The Conference calls on States to integrate the Convention on the

Rights of the Child into their national action plans. By means of these national action plans and through international efforts, particular priority should be placed on reducing infant and maternal mortality rates, reducing malnutrition and illiteracy rates and providing access to safe drinking water and to basic education. Whenever so called for, national plans of action should be devised to combat devastating emergencies resulting from natural disasters and armed conflicts and the equally grave problem of children in extreme poverty.

48. The World Conference on Human Rights urges all States, with the support of international cooperation, to address the acute problem of children under especially difficult circumstances. Exploitation and abuse of children should be actively combated, including by addressing their root causes. Effective measures are required against female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse.

49. The World Conference on Human Rights supports all measures by the United Nations and its specialized agencies to ensure the effective protection and promotion of human rights of the girl child. The World Conference on Human Rights urges States to repeal existing laws and regulations and remove customs and practices which discriminate against and cause harm to the girl child.

50. The World Conference on Human Rights strongly supports the proposal that the Secretary-General initiate a study into means of improving the protection of children in armed conflicts. Humanitarian norms should be implemented and measures taken in order to protect and facilitate assistance to children in war zones. Measures should include protection for children against indiscriminate use of all weapons of war, especially anti-personnel mines. The need for aftercare and rehabilitation of children traumatized by war must be addressed urgently. The Conference calls on the Committee on the Rights of the Child to study the question of raising the minimum age of recruitment into armed forces.

51. The World Conference on Human Rights recommends that matters relating to human rights and the situation of children be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system and by the supervisory bodies of the specialized agencies in accordance with their mandates.

52. The World Conference on Human Rights recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments and, in particular, the Convention on the Rights of the Child.

53. The World Conference on Human Rights recommends that the Committee on the Rights of the Child, with the assistance of the Centre for Human Rights, be enabled expeditiously and effectively to meet its mandate, especially in view of the unprecedented extent of ratification and subsequent submission of country reports.

5. Freedom from torture

54. The World Conference on Human Rights welcomes the ratification by many Member States of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and encourages its speedy ratification by all other Member States.

55. The World Conference on Human Rights emphasizes that one of the most atrocious violations against human dignity is the act of torture, the result of which destroys the dignity and impairs the capability of victims to continue their lives and their activities.

56. The World Conference on Human Rights reaffirms that under human rights law and international humanitarian law, freedom from torture is a right which must be protected under all circumstances, including in times of internal or international disturbance or armed conflicts.

57. The World Conference on Human Rights therefore urges all States to put an immediate end to the practice of torture and eradicate this evil forever through full implementation of the Universal Declaration of Human Rights as well as the relevant conventions and, where necessary, strengthening of existing mechanisms. The World Conference on Human Rights calls on all States to cooperate fully with the Special Rapporteur on the question of torture in the fulfilment of his mandate.

58. Special attention should be given to ensure universal respect for, and effective implementation of, the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly of the United Nations.

59. The World Conference on Human Rights stresses the importance of further concrete action within the framework of the United Nations with the view to providing assistance to victims of torture and ensure more effective remedies for their physical, psychological and social rehabilitation. Providing the necessary resources for this purpose should be given high priority, inter alia, by additional contributions to the United Nations Voluntary Fund for the Victims of Torture.

60. States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law.

61. The World Conference on Human Rights reaffirms that efforts to eradicate torture should, first and foremost, be concentrated on prevention and, therefore, calls for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention.

Enforced disappearances

62. The World Conference on Human Rights, welcoming the adoption by the General Assembly of the Declaration on the Protection of All Persons from Enforced Disappearance, calls upon all States to take effective legislative, administrative, judicial or other measures to prevent, terminate and punish acts of enforced disappearances. The World Conference on Human Rights reaffirms that it is the duty of all States, under any circumstances, to make investigations whenever there is reason to believe that an enforced disappearance has taken place on a territory under their jurisdiction and, if allegations are confirmed, to prosecute its perpetrators.

6. The rights of the disabled person

63. The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.

64. The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.

65. Recalling the World Programme of Action concerning Disabled Persons, adopted by the General Assembly at its thirty-seventh session, the World Conference on Human Rights calls upon the General Assembly and the Economic and Social Council to adopt the draft standard rules on the equalization of opportunities for persons with disabilities, at their meetings in 1993.

C. Cooperation, development and strengthening of human rights

66. The World Conference on Human Rights recommends that priority be given to national and international action to promote democracy, development and human rights.

67. Special emphasis should be given to measures to assist in the strengthening and building of institutions relating to human rights, strengthening of a pluralistic civil society and the protection of groups which have been rendered vulnerable. In this context, assistance provided upon the request of Governments for the conduct of free and fair elections, including assistance in the human rights aspects of elections and public information about elections, is of particular importance. Equally important is the assistance to be given to the strengthening of the rule of law, the promotion of freedom of expression and the administration of justice, and to the real and effective participation of the people in the decision-making processes.

68. The World Conference on Human Rights stresses the need for the implementation of strengthened advisory services and technical assistance activities by the Centre for Human Rights. The Centre should make available to States upon request assistance on specific human rights issues, including the preparation of reports under human rights treaties as well as for the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights. Strengthening the institutions of human rights and democracy, the legal protection of human rights, training of officials and others, broad-based education and public information aimed at promoting respect for human rights should all be available as components of these programmes.

69. The World Conference on Human Rights strongly recommends that a comprehensive programme be established within the United Nations in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law. Such a programme, to be coordinated by the Centre for Human Rights, should be able to provide, upon the request of the interested Government, technical and financial assistance to national projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights, and any other sphere of activity relevant to the good functioning of the rule of law. That programme should make available to States assistance for the implementation of plans of action for the promotion and protection of human rights.

70. The World Conference on Human Rights requests the Secretary-General of the United Nations to submit proposals to the United Nations General Assembly, containing alternatives for the establishment, structure, operational modalities and funding of the proposed programme.

71. The World Conference on Human Rights recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights.

72. The World Conference on Human Rights on Human Rights reaffirms that the universal and inalienable right to development, as established in the Declaration on the Right to Development, must be implemented and realized. In this context, the World Conference on Human Rights welcomes the appointment by the Commission on Human Rights of a thematic working group on the right to development and urges that the Working Group, in consultation and cooperation with other organs and agencies of the United Nations system, promptly formulate, for early consideration by the United Nations General Assembly, comprehensive and effective measures to eliminate obstacles to the implementation and realization of the Declaration on the Right to Development and recommending ways and means towards the realization of the right to development by all States.

73. The World Conference on Human Rights recommends that non-governmental and other grass-roots organizations active in development and/or human rights should be enabled to play a major role on the national and international

levels in the debate, activities and implementation relating to the right to development and, in cooperation with Governments, in all relevant aspects of development cooperation.

74. The World Conference on Human Rights appeals to Governments, competent agencies and institutions to increase considerably the resources devoted to building well-functioning legal systems able to protect human rights, and to national institutions working in this area. Actors in the field of development cooperation should bear in mind the mutually reinforcing interrelationship between development, democracy and human rights. Cooperation should be based on dialogue and transparency. The World Conference on Human Rights also calls for the establishment of comprehensive programmes, including resource banks of information and personnel with expertise relating to the strengthening of the rule of law and of democratic institutions.

75. The World Conference on Human Rights encourages the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights.

76. The World Conference on Human Rights recommends that more resources be made available for the strengthening or the establishment of regional arrangements for the promotion and protection of human rights under the programmes of advisory services and technical assistance of the Centre for Human Rights. States are encouraged to request assistance for such purposes as regional and subregional workshops, seminars and information exchanges designed to strengthen regional arrangements for the promotion and protection of human rights in accord with universal human rights standards as contained in international human rights instruments.

77. The World Conference on Human Rights supports all measures by the United Nations and its relevant specialized agencies to ensure the effective promotion and protection of trade union rights, as stipulated in the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments. It calls on all States to abide fully by their obligations in this regard contained in international instruments.

D. Human rights education

78. The World Conference on Human Rights considers human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.

79. States should strive to eradicate illiteracy and should direct education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. The World Conference on Human Rights calls on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.

80. Human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights.

81. Taking into account the World Plan of Action on Education for Human Rights and Democracy, adopted in March 1993 by the International Congress on Education for Human Rights and Democracy of the United Nations Educational, Scientific and Cultural Organization, and other human rights instruments, the World Conference on Human Rights recommends that States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women.

82. Governments, with the assistance of intergovernmental organizations, national institutions and non-governmental organizations, should promote an increased awareness of human rights and mutual tolerance. The World Conference on Human Rights underlines the importance of strengthening the World Public Information Campaign for Human Rights carried out by the United Nations. They should initiate and support education in human rights and undertake effective dissemination of public information in this field. The advisory services and technical assistance programmes of the United Nations system should be able to respond immediately to requests from States for educational and training activities in the field of human rights as well as for special education concerning standards as contained in international human rights instruments and in humanitarian law and their application to special groups such as military forces, law enforcement personnel, police and the health profession. The proclamation of a United Nations decade for human rights education in order to promote, encourage and focus these educational activities should be considered.

E. Implementation and monitoring methods

83. The World Conference on Human Rights urges Governments to incorporate standards as contained in international human rights instruments in domestic legislation and to strengthen national structures, institutions and organs of society which play a role in promoting and safeguarding human rights.

84. The World Conference on Human Rights recommends the strengthening of United Nations activities and programmes to meet requests for assistance by States which want to establish or strengthen their own national institutions for the promotion and protection of human rights.

85. The World Conference on Human Rights also encourages the strengthening of cooperation between national institutions for the promotion and protection of human rights, particularly through exchanges of information and experience, as well as cooperation with regional organizations and the United Nations.

86. The World Conference on Human Rights strongly recommends in this regard that representatives of national institutions for the promotion and protection of human rights convene periodic meetings under the auspices of the Centre for Human Rights to examine ways and means of improving their mechanisms and sharing experiences.

87. The World Conference on Human Rights recommends to the human rights treaty bodies, to the meetings of chairpersons of the treaty bodies and to the meetings of States parties that they continue to take steps aimed at coordinating the multiple reporting requirements and guidelines for preparing State reports under the respective human rights conventions and study the suggestion that the submission of one overall report on treaty obligations undertaken by each State would make these procedures more effective and increase their impact.

88. The World Conference on Human Rights recommends that the States parties to international human rights instruments, the General Assembly and the Economic and Social Council should consider studying the existing human rights treaty bodies and the various thematic mechanisms and procedures with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks.

89. The World Conference on Human Rights recommends continued work on the improvement of the functioning, including the monitoring tasks, of the treaty bodies, taking into account multiple proposals made in this respect, in particular those made by the treaty bodies themselves and by the meetings of the chairpersons of the treaty bodies. The comprehensive national approach taken by the Committee on the Rights of the Child should also be encouraged.

90. The World Conference on Human Rights recommends that States parties to human rights treaties consider accepting all the available optional communication procedures.

91. The World Conference on Human Rights views with concern the issue of impunity of perpetrators of human rights violations, and supports the efforts of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine all aspects of the issue.

92. The World Conference on Human Rights recommends that the Commission on Human Rights examine the possibility for better implementation of existing human rights instruments at the international and regional levels and encourages the International Law Commission to continue its work on an international criminal court.

93. The World Conference on Human Rights appeals to States which have not yet done so to accede to the Geneva Conventions of 12 August 1949 and the Protocols thereto, and to take all appropriate national measures, including legislative ones, for their full implementation.

94. The World Conference on Human Rights recommends the speedy completion and adoption of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

95. The World Conference on Human Rights underlines the importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights

and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, in order to enable them to carry out their mandates in all countries throughout the world, providing them with the necessary human and financial resources. The procedures and mechanisms should be enabled to harmonize and rationalize their work through periodic meetings. All States are asked to cooperate fully with these procedures and mechanisms.

96. The World Conference on Human Rights recommends that the United Nations assume a more active role in the promotion and protection of human rights in ensuring full respect for international humanitarian law in all situations of armed conflict, in accordance with the purposes and principles of the Charter of the United Nations.

97. The World Conference on Human Rights, recognizing the important role of human rights components in specific arrangements concerning some peace-keeping operations by the United Nations, recommends that the Secretary-General take into account the reporting, experience and capabilities of the Centre for Human Rights and human rights mechanisms, in conformity with the Charter of the United Nations.

98. To strengthen the enjoyment of economic, social and cultural rights, additional approaches should be examined, such as a system of indicators to measure progress in the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights. There must be a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels.

F. Follow-up to the World Conference on Human Rights

99. The World Conference on Human Rights on Human Rights recommends that the General Assembly, the Commission on Human Rights and other organs and agencies of the United Nations system related to human rights consider ways and means for the full implementation, without delay, of the recommendations contained in the present Declaration, including the possibility of proclaiming a United Nations decade for human rights. The World Conference on Human Rights further recommends that the Commission on Human Rights annually review the progress towards this end.

100. The World Conference on Human Rights requests the Secretary-General of the United Nations to invite on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights all States, all organs and agencies of the United Nations system related to human rights, to report to him on the progress made in the implementation of the present Declaration and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council. Likewise, regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, may present their views to the Secretary-General on the progress made in the implementation of the present Declaration. Special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations system.

IV. DECISION, SPECIAL DECLARATIONS AND RESOLUTION ADOPTED BY THE WORLD CONFERENCE

A. Decision

Appeal to the Security Council regarding Bosnia and Herzegovina

At its 5th plenary meeting, on 15 June 1993, the World Conference on Human Rights, after hearing the Minister for Foreign Affairs of Bosnia and Herzegovina, decided, without a vote, to appeal to the Security Council to take the necessary measures to end the genocide taking place in Bosnia and Herzegovina, and in particular at Gorazde.

[see chap. I, sect. I.]

B. Special declarations

Special declaration on Bosnia and Herzegovina

The World Conference on Human Rights adopts the following special declaration on Bosnia and Herzegovina.

The United Nations World Conference on Human Rights, mindful of its objective to uphold and promote full respect for and effective promotion of human rights, and bearing in mind its appeal made to the Security Council on the tragedy in the Republic of Bosnia and Herzegovina, declares that,

The tragedy in the Republic of Bosnia and Herzegovina, characterized by naked Serbian aggression, unprecedented violations of human rights and genocide, is an affront to the collective conscience of mankind,

Hundreds and thousands of innocent civilians have been slaughtered, incarcerated and forced to flee their homes because of the reprehensible policy of ethnic cleansing. Over 40,000 Bosnian women have been subjected to the gruesome crime of rape,

At present, over 70 per cent of the territory of a State Member of the United Nations, the Republic of Bosnia and Herzegovina, is under Serbian occupation, the remaining few towns under Bosnian control are under constant siege and their residents are being deliberately starved,

This situation calls for urgent and resolute action by the international community,

Therefore,

The United Nations World Conference on Human Rights categorically condemns the ongoing aggression against the Republic of Bosnia and Herzegovina, the heinous practice of ethnic cleansing, war crimes and crimes against humanity, particularly the extermination of its Muslim population.

The World Conference believes that the practice of ethnic cleaning resulting from Serbian aggression against the Muslim and Croat population in the Republic of Bosnia and Herzegovina constitutes genocide in violation of the Convention on the Prevention and Punishment of the Crime of Genocide.

The World Conference affirms that the failure of the international community to prevent and punish genocide and redress atrocities in the Republic of Bosnia and Herzegovina calls into question the commitment of the international community to the protection of fundamental human rights and freedoms all over the world.

The World Conference strongly condemns Serbia-Montenegro, the Yugoslav National Army, the Serbian militia and the extremist elements in the Bosnian Croatian militia forces as perpetrators of these crimes.

The World Conference, in order to restore the credibility of and the trust in the United Nations as the custodian of international law and human rights, gives the highest priority to addressing the tragic situation in the Republic of Bosnia and Herzegovina and urges the international community to assume full responsibility to restore peace and stability in the Republic of Bosnia and Herzegovina based on the principles of justice, independence, sovereignty, unity and territorial integrity, including the inviolability of its internationally recognized borders.

The World Conference categorically rejects the aggressor plan to partition the Republic of Bosnia and Herzegovina.

The World Conference urges the world community and all international bodies, in particular the Security Council, to take forceful and decisive steps for effective measures of peace-making in the Republic of Bosnia and Herzegovina with a view to:

1. Preventing and punishing genocide in the Republic of Bosnia and Herzegovina.

2. Rejecting any acquisition of territory in the Republic of Bosnia and Herzegovina by the use of force, and calling upon all occupying forces to withdraw immediately from those territories.

3. Calling upon the Security Council to implement the Vance-Owen Peace Plan under Chapter VII of the Charter of the United Nations.

4. Immediately implementing an effective cease-fire, accompanied by the neutralization of all heavy weaponry, which should be placed under the control of the United Nations Protection Force, and the interdiction of all arms supplies to Serbian forces operating in the Republic of Bosnia and Herzegovina.

5. Simultaneously implementing effective measures to secure the roll-back of invasion unless the invading forces voluntarily withdraw.

6. Lifting the arms embargo against the Republic of Bosnia and Herzegovina in order to enable it to exercise its right to self-defence in accordance with Article 51 of the Charter and implementing all necessary measures under the Charter in order to reverse the aggression perpetrated by Serbian forces.

7. Extending immediate humanitarian help for the relief of persons in besieged towns and cities as well as other victims.

8. Restoring the sovereignty, independence and territorial integrity of the Republic of Bosnia and Herzegovina.

9. Implementing speedily Security Council resolution 808 (1993) of 22 February 1993 which established an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the Former Yugoslavia since 1991, and bringing immediately to trial all persons suspected of committing crimes against humanity, including war crimes.

10. Effectively eradicating the tragic consequences of the aggression and the human rights violations in the Republic of Bosnia and Herzegovina, by way of joint international efforts for the reconstruction of the political and physical institutions of the Republic of Bosnia and Herzegovina.

11. Enabling all refugees, deportees and displaced persons to return safely to their homes in the Republic of Bosnia and Herzegovina and restoring their properties, hence rejecting any documents signed by them under duress.

12. Strongly warning against and rejecting any intention to use the safe-haven areas in the Republic of Bosnia and Herzegovina as permanent refugee camps which would perpetuate the fruits of aggression, occupation and territorial gains.

The World Conference, on behalf of the international community, pledges its solidarity with the people and the Government of the Republic of Bosnia and Herzegovina, and urges the Security Council to fulfil its responsibilities under the Charter of the United Nations, particularly under Article 24, by taking all prompt and effective measures in order to restore peace and affirm the independence, sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina and uphold the human rights of its people.

24 June 1993

[Adopted by 88 votes to 1 with 54 abstentions.
See chap. I, sect. I.]

Special declaration on Angola

The World Conference on Human Rights,

Mindful of its objective to uphold and promote full respect for and effective promotion of human rights,

Recalling the signing of the Peace Accords for Angola on 31 May 1991,

Recalling that democratic elections were held on 29 and 30 September 1992, which the Special Representative of the Secretary-General and other international observers certified as being generally free and fair, and that steps have been taken to set up a Government of National Unity which would reflect the results of the legislative elections, and deeply regretting the failure of UNITA to take part in the political institutions thus established,

Alarmed at the continuing and unnecessary loss of innocent lives resulting from the resumption of war,

Alarmed also at the deliberate targeting of the civilian population and economic and social structures, in total disregard of international humanitarian law and internationally recognized human rights standards and norms,

Disturbed by the current situation of civil strife which has resulted in more than 3 million refugees and internally displaced persons,

Recalling Security Council resolutions 804 (1993) of 29 January 1993, 811 (1993) of 12 March 1993 and 834 (1993) of 1 June 1993,

Urges the international community and all international bodies, in particular the Security Council, to take forceful and decisive steps with a view to:

(a) Immediately implementing an effective cease-fire and restoring peace and security in the Republic of Angola;

(b) Calling upon the Security Council to implement rapidly its resolutions 804 (1993), 811 (1993) and 834 (1993);

(c) Applying pressure on UNITA to accept unreservedly the results of the democratic elections of 1992 and abide fully by the Peace Accords;

(d) Urging all States to refrain from any action which directly or indirectly could jeopardize the implementation of the Peace Accords, and in this context urges all States to refrain from providing any form of direct or indirect military assistance or other support to UNITA inconsistent with the peace process;

(e) Extending immediate humanitarian assistance to the millions of refugees and internally displaced persons;

(f) Effectively eradicating the consequences of the resumption of war and the human rights violations arising therefrom by way of joint international efforts for the reconstruction of the political, economic and social institutions of the Republic of Angola;

(g) Reaffirming the commitment of the international community to the preservation of the unity and territorial integrity of Angola.

24 June 1993

[Adopted, without a vote.
See chap. I, sect. I.]

C. Resolution

Credentials of representatives to the World Conference on Human Rights

The World Conference on Human Rights,

Approves the report of the Credentials Committee.

24 June 1993

[Adopted without a vote.
See chap. I, sect. G.]

CHAPTER TWO

The Fundamental Rights and Duties of Citizens

ARTICLE 33

All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China.

All citizens of the People's Republic of China are equal before the law.

Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law.

ARTICLE 34

All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of nationality, race, sex, occupation, family background, religious belief, education, property status, or length of residence, except persons deprived of political rights according to law.

ARTICLE 35

Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

ARTICLE 36

Citizens of the People's Republic of China enjoy freedom of religious belief.

No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.

The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state.

Religious bodies and religious affairs are not subject to any foreign domination.

ARTICLE 37

The freedom of person of citizens of the People's Republic of China is inviolable.

No citizen may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ.

Unlawful deprivation or restriction of citizens' freedom of person by detention or other means is prohibited; and unlawful search of the person of citizens is prohibited.

ARTICLE 38

The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false charge or frame-up directed against citizens by any means is prohibited.

ARTICLE 39

The home of citizens of the People's Republic of China is inviolable. Unlawful search of, or intrusion into, a citizen's home is prohibited.

ARTICLE 40

The freedom and privacy of correspondence of citizens of the People's Republic of China are protected by law. No organization or individual may, on any ground, infringe upon citizens' freedom and privacy of correspondence except in cases where, to meet the needs of state security or of investigation into criminal offences, public security or procuratorial organs are permitted to censor correspondence in accordance with procedures prescribed by law.

ARTICLE 41

Citizens of the People's Republic of China have the right to criticize and make suggestions to any state organ or functionary. Citizens have the right to make to relevant state organs complaints and charges against, or exposures of, any state organ or functionary for violation of the law or dereliction of duty; but fabrication or distortion of facts for the purpose of libel or frame-up is prohibited.

The state organ concerned must deal with complaints, charges or exposures made by citizens in a responsible manner after ascertaining the facts. No one may suppress such complaints, charges and exposures, or retaliate against the citizens making them.

Citizens who have suffered losses through infringement of their civic rights by any state organ or functionary have the right to compensation in accordance with the law.

ARTICLE 42

Citizens of the People's Republic of China have the right as well as the duty to work.

Using various channels, the state creates conditions for employment, strengthens labour protection, improves working conditions and, on the basis of expanded production, increases remuneration for work and social benefits.

Work is the glorious duty of every able-bodied citizen. All working people in state enterprises and in urban and rural economic collectives should perform their tasks with an attitude consonant with their status as masters of the country. The state promotes socialist labour emulation, and commends and rewards model and advanced workers. The state encourages citizens to take part in voluntary labour.

The state provides necessary vocational training to citizens before they are employed.

ARTICLE 43

Working people in the People's Republic of China have the right to rest.

The state expands facilities for rest and recuperation of working people, and prescribes working hours and vacations for workers and staff.

ARTICLE 44

The state prescribes by law the system of retirement for workers and staff in enterprises and undertakings and for functionaries of organs of state. The livelihood of retired personnel is ensured by the state and society.

ARTICLE 45

Citizens of the People's Republic of China have the right to material assistance from the state and society when they are old, ill or disabled. The state develops the social insurance, social relief and medical and health services that are required to enable citizens to enjoy this right.

The state and society ensure the livelihood of disabled members of the armed forces, provide pensions to the families of martyrs and give preferential treatment to the families of military personnel.

The state and society help make arrangements for the work, livelihood and education of the blind, deaf-mutes and other handicapped citizens.

ARTICLE 46

Citizens of the People's Republic of China have the duty as well as the right to receive education.

The state promotes the all-round moral, intellectual and physical development of children and young people.

ARTICLE 47

Citizens of the People's Republic of China have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The state encourages and assists creative endeavours conducive to the interests of the people that are made by citizens engaged in education, science, technology, literature, art and other cultural work.

ARTICLE 48

Women in the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural and social, including family life.

The state protects the rights and interests of women, applies the principle of equal pay for equal work for men and women alike and trains and selects cadres from among women.

ARTICLE 49

Marriage, the family and mother and child are protected by the state.

Both husband and wife have the duty to practise family planning.

Parents have the duty to rear and educate their minor children, and children who have come of age have the duty to support and assist their parents.

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Violation of the freedom of marriage is prohibited. Maltreatment of old people, women and children is prohibited.

ARTICLE 50

The People's Republic of China protects the legitimate rights and interests of Chinese nationals residing abroad and protects the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad.

ARTICLE 51

The exercise by citizens of the People's Republic of China of their freedoms and rights may not infringe upon the interests of the state, of society and of the collective, or upon the lawful freedoms and rights of other citizens.

ARTICLE 52

It is the duty of citizens of the People's Republic of China to safeguard the unity of the country and the unity of all its nationalities.

ARTICLE 53

Citizens of the People's Republic of China must abide by the Constitution and the law, keep state secrets, protect public property, observe labour discipline and public order and respect social ethics.

ARTICLE 54

It is the duty of citizens of the People's Republic of China to safeguard the security, honour and interests of the motherland; they must not commit acts detrimental to the security, honour and interests of the motherland.

ARTICLE 55

It is the sacred obligation of every citizen of the People's Republic of China to defend the motherland and resist aggression.

It is the honourable duty of citizens of the People's Republic of China to perform military service and join the militia in accordance with the law.

ARTICLE 56

It is the duty of citizens of the People's Republic of China to pay taxes in accordance with the law.

CHAPTER THREE

The Structure of the State

SECTION 1

The National People's Congress

ARTICLE 57

The National People's Congress of the People's Republic of China is the highest organ of state power. Its

HUMAN RIGHTS AND CHINA

Worksheet

Human Rights Provisions
of
The Constitution of the People's Republic of China

	Right/Freedom	U.S. Counterpart
Article 33:		
Article 34:		
Article 35:		
Article 36:		
Article 37:		
Article 38:		
Article 39:		
Article 40:		
Article 41:		
Article 42:		
Article 43:		
Article 44:		

-continued-

Worksheet

Human Rights Provisions
of
The Constitution of the People's Republic of China

	Right/Freedom	U.S. Counterpart
Article 45:		
Article 46:		
Article 47:		
Article 48:		
Article 49:		
Article 50:		
Article 51:		
Article 52:		
Article 53:		
Article 54:		
Article 55:		
Article 56:		

Constitution of the Communist Party Of China

(Adopted by the 12th National Congress of the Communist Party of China on September 6, 1982)

General Programme

The Communist Party of China is the vanguard of the Chinese working class, the faithful representative of the interests of the people of all nationalities in China, and the force at the core leading China's cause of socialism. The Party's ultimate goal is the creation of a communist social system.

The Communist Party of China takes Marxism-Leninism and Mao Zedong Thought as its guide to action.

Applying dialectical materialism and historical materialism, Marx and Engels analysed the laws of development of capitalist society and founded the theory of scientific socialism. According to this theory, with the victory of the proletariat in its revolutionary struggle, the dictatorship of the bourgeoisie is inevitably replaced by the dictatorship of the proletariat, and capitalist society is inevitably transformed into socialist society in which the means of production are publicly owned, exploitation is abolished and the principle "from each according to his ability and to each according to his work" is applied; with tremendous growth of the productive forces and tremendous progress in the ideological, political and cultural fields, socialist society ultimately and inevitably advances into communist society in which the principle "from each according to his ability and to each according to his needs" is applied. Early in the 20th century, Lenin pointed out that capitalism had developed to the stage of imperialism, that the liberation struggle of the proletariat was bound to unite with that of the oppressed nations of the world, and that it was possible for socialist revolution to win victory first in countries that were the weak links of imperialist rule. The course of world history during the past half century and more, and especially the establishment and development of the socialist system in a number of countries, has borne out the correctness of the theory of scientific socialism.

The development and improvement of the socialist system is a long historical process. Fundamentally speaking, the socialist system is incomparably superior to the capitalist system, having eliminated the contradictions inherent in the capitalist system, which the latter itself is incapable of overcoming. Socialism enables the people truly to become masters of the country, gradually to shed the old ideas and ways formed under the system of exploitation and private ownership of the means of production, and steadily to raise their communist consciousness and foster common ideals, common ethics and a common discipline in their own ranks. Socialism can give full scope to the initiative and creativeness of the people, develop the productive forces rapidly, proportionately and in a planned way, and meet the growing material and cultural needs of the members of society. The cause of socialism is advancing and is bound gradually to triumph throughout the world along paths that are suited to the specific conditions of each country and are chosen by its people of their own free will.

The Chinese Communists, with Comrade Mao Zedong as their chief representative, created Mao Zedong Thought by integrating the universal principles of Marxism-Leninism with the concrete practice of the Chinese revolution. Mao Zedong Thought is Marxism-Leninism applied and developed in China; it consists of a body of theoretical principles concerning the revolution and construction in China and a summary of experience therein, both of which have been proved correct by practice; it represents the crystallized, collective wisdom of the Communist Party of China.

The Communist Party of China led the people of all nationalities in waging their prolonged revolutionary struggle against imperialism, feudalism and bureaucrat-capitalism, winning victory in the new-democratic revolution and establishing the People's Republic of China — a people's democratic dictatorship. After the founding of the People's Republic, it led them in smoothly carrying out socialist transformation, completing the transition from New Democracy to socialism, establishing the socialist system, and developing socialism in its economic, political and cultural aspects.

After the elimination of the exploiting classes as such, most of the contradictions in Chinese society do not have the nature of class struggle, and class struggle is no longer the principal contradiction. However, owing to domestic circumstances and foreign influences, class struggle will continue to exist within certain limits for a long time, and may even sharpen under certain conditions. The principal contradiction in Chinese society is that between the people's growing material and cultural needs and the backward level of our social production. The other contradictions should be resolved in the course of resolving this principal one. It is essential to strictly distinguish and correctly handle the two different types of contradictions — the contradictions between the enemy and ourselves and those among the people.

The general task of the Communist Party of China at the present stage is to unite the people of all nationalities in working hard and self-reliantly to achieve, step by step, the modernization of our industry, agriculture, national defence and science and technology and make China a culturally advanced and highly democratic socialist country.

The focus of the work of the Communist Party of China is to lead the people of all nationalities in accomplishing the socialist modernization of our economy. It is necessary vigorously to expand the productive forces and gradually perfect socialist relations of production, in keeping with the actual level of the productive forces and as required for their expansion. It is necessary to strive for the gradual improvement of the standards of material and cultural life of the urban and rural population, based on the growth of production and social wealth.

The Communist Party of China leads the people, as they work for a high level of material civilization, in building a high level of socialist spiritual civilization. Major efforts should be made to promote education, science and culture, imbue the Party members and the masses of the people with communist ideology, combat and overcome decadent bourgeois ideas, remnant feudal ideas and other non-proletarian ideas, and encourage the Chinese people to have lofty ideals, moral integrity, education and a sense of discipline.

The Communist Party of China leads the people in promoting socialist democracy, perfecting the socialist legal system, and consolidating the people's democratic dictatorship. Effective measures should be taken to protect the people's right to run the affairs of the state and of society, and to manage economic and cultural undertakings; and to strike firmly at hostile elements who deliberately sabotage the socialist system, and those who seriously breach or jeopardize public security. Great efforts should be made to strengthen the People's Liberation Army and national defence so that the country is prepared at all times to resist and wipe out any invaders.

The Communist Party of China upholds and promotes relations of equality, unity and mutual assistance among all nationalities in the country, persists in the policy of regional autonomy of minority nationalities, aids the areas inhabited by minority nationalities in their economic and cultural development, and actively trains and promotes cadres from among the minority nationalities.

The Communist Party of China unites with all workers, peasants and intellectuals, and with all the democratic parties, non-party democrats and the patriotic forces of all the nationalities in China in further expanding and fortifying the broadest possible patriotic united front embracing all socialist working people and all patriots who support socialism or who support the reunification of the motherland. We should work together with the people throughout the country, including our compatriots in Taiwan, Xianggang (Hongkong) and Aomen (Macao) and Chinese nationals residing abroad, to accomplish the great task of reunifying the motherland.

In international affairs, the Communist Party of China takes the following basic stand: It adheres to proletarian internationalism and firmly unites with the workers of all lands, with the oppressed nations and oppressed peoples and with all peace-loving and justice-upholding organizations and personages in the common struggle against imperialism, hegemonism and colonialism and for the defence of world peace and promotion of human progress. It stands for the development of state relations between China and other countries on the basis of the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence. It develops relations with Communist Parties and working-class parties in other countries on the basis of Marxism and the principles of independence, complete equality, mutual respect and non-interference in each other's internal affairs.

In order to lead China's people of all nationalities in attaining the great goal of socialist modernization, the Communist Party of China must strengthen itself, carry forward its fine traditions, enhance its fighting capacity and resolutely achieve the following three essential requirements:

First, a high degree of ideological and political unity. The Communist Party of China makes the realization of communism its maximum programme, to which all its members must devote their entire lives. At the present stage, the political basis for the solidarity and unity of the whole Party consists in adherence to the socialist road, to the people's democratic dictatorship, to the leadership of the Party, and to Marxism-Leninism and Mao Zedong Thought and in the concentration of our efforts on socialist modernization. The Party's ideological line is to proceed from reality in all things, to integrate theory with practice, to seek truth from facts, and to verify and develop the truth through practice. In accordance with this ideological line, the whole Party must scientifically sum up historical experience, investigate and study actual conditions, solve new problems in domestic and international affairs, and oppose all erroneous deviations, whether "Left" or Right.

Second, wholehearted service to the people. The Party has no special interests of its own apart from the interests of the working class and the broadest masses of the people. The programme and policies of the Party are precisely the scientific expressions of the fundamental interests of the working class and the broadest masses of the people. Throughout the process of leading the masses in struggle to realize the ideal of communism, the Party always shares weal and woe with the people, keeps in closest contact with them, and does not allow any member to become divorced from the masses or place himself above them. The Party persists in educating the masses in communist ideas and follows the mass line in its work, doing everything for the masses, relying on them in every task, and turning its correct views into conscious action by the masses.

Third, adherence to democratic centralism. Within the Party, democracy is given full play, a high degree of centralism is practised on the basis of democracy and a sense of organization and discipline is strengthened, so as to ensure unity of action throughout its ranks and the prompt and effective implementation of its decisions. In its internal political life, the Party conducts criticism and self-criticism in the correct way, waging ideological struggles over matters of principle, upholding truth and rectifying mistakes. Applying the principle that all members are equally subject to Party discipline, the Party duly criticizes or punishes those members who violate it and expels those who persist in opposing and harming the Party.

Party leadership consists mainly in political, ideological and organizational leadership. The Party must formulate and implement correct lines, principles and policies, do its organizational, propaganda and educational work well and make sure that all Party members play their exemplary vanguard role in every sphere of work and every aspect of social life. The Party must conduct its activities within the limits permitted by the Constitution and the laws of the state. It must see to it that the legislative, judicial and administrative organs of the state and the economic, cultural and people's organizations work actively and with initiative, independently, responsibly and in harmony. The Party must strengthen its leadership over the trade unions, the Communist Youth League, the Women's Federation and other mass organizations, and give full scope to their roles. The Party members are a minority in the whole population, and they must work in close co-operation with the masses of non-Party people in the common effort to make our socialist motherland ever stronger and more prosperous, until the ultimate realization of communism.

Chapter I

Membership

Article 1 Any Chinese worker, peasant, member of the armed forces, intellectual or any other revolutionary who has reached the age of 18 and who accepts the Party's programme and Constitution and is willing to join and work actively in one of the Party organizations, carry out the Party's decisions and pay membership dues regularly may apply for membership of the Communist Party of China.

Article 2 Members of the Communist Party of China are vanguard fighters of the Chinese working class imbued with communist consciousness.

Members of the Communist Party of China must serve the people wholeheartedly, dedicate their whole lives to the realization of communism, and be ready to make any personal sacrifices.

Members of the Communist Party of China are at all times ordinary members of the working people. Communist Party members must not seek personal gain or privileges, although they are allowed personal benefits and job functions and powers as provided for by the relevant regulations and policies.

Article 3 Party members must fulfil the following duties:

(1) To conscientiously study Marxism-Leninism and Mao Zedong Thought, essential knowledge concerning the Party, and the Party's line, principles, policies and decisions; and acquire general, scientific and professional knowledge.

(2) To adhere to the principle that the interests of the Party and the people stand above everything, subordinate their personal interests to the interests of the Party and the people, be the first to bear hardships and the last to enjoy comforts, work selflessly for the public interest, and absolutely never use public office for personal gain or benefit themselves at the expense of the public.

(3) To execute the Party's decisions perseveringly, accept any job and fulfil actively any task assigned them by the Party, conscientiously observe Party discipline and the laws of the state, rigorously guard Party and state secrets and staunchly defend the interests of the Party and the state.

(4) To uphold the Party's solidarity and unity, to firmly oppose factionalism and all factional organizations and small-group activities, and to oppose double-dealing and scheming of any kind.

(5) To be loyal to and honest with the Party, to match words with deeds and not to conceal their political views or distort facts; to earnestly practise criticism and self-criticism, to be bold in exposing and correcting shortcomings and mistakes in work, backing good people and good deeds and fighting against bad people and bad deeds.

(6) To maintain close ties with the masses, propagate the Party's views among them, consult with them when problems arise, listen to their views and demands with an open mind and keep the Party informed of these in good time, help them raise their political consciousness, and defend their legitimate rights and interests.

(7) To play an exemplary vanguard role in production and other work, study and social activities, take the lead in maintaining public order, promote new socialist ways and customs and advocate communist ethics.

(8) As required by the defence of the motherland and the interests of the people, to step forward and fight bravely in times of difficulty and danger, fearing neither hardship nor death.

Article 4 Party members enjoy the following rights:

(1) To attend pertinent Party meetings and read pertinent Party documents, and to benefit from the Party's education and training.

(2) To participate in the discussion, at Party meetings and in Party newspapers and journals, of questions concerning the Party's policies.

(3) To make suggestions and proposals regarding the work of the Party.

(4) To make well-grounded criticism of any Party organization or member at Party meetings; to present information or charges against any Party organization or member concerning violations of discipline and of the law to the Party in a responsible way, and to demand disciplinary measures against such a member, or to demand the dismissal or replacement of any cadre who is incompetent.

(5) To vote, elect and stand for election.

(6) To attend, with the right of self-defence, discussions held by Party organizations to decide on disciplinary measures to be taken against themselves or to appraise their work and behaviour, while other Party members may also bear witness or argue on their behalf.

(7) In case of disagreement with a Party decision or policy, to make reservations and present their views to Party organizations at higher levels up to and including the Central Committee, provided that they resolutely carry out the decision or policy while it is in force.

(8) To put forward any request, appeal or complaint to higher Party organizations up to and including the Central Committee and ask the organizations concerned for a responsible reply.

No Party organization, up to and including the Central Committee, has the right to deprive any Party member of the above-mentioned rights.

Article 5 New Party members must be admitted through a Party branch, and the principle of individual admission must be adhered to. It is impermissible to drag into the Party by any means those who are not qualified for membership, or to exclude those who are qualified.

An applicant for Party membership must fill in an application form and must be recommended by two full Party members. The application must be accepted by a general membership meeting of the Party branch concerned and approved by the next higher Party organization, and the applicant should undergo observation for a probationary period before being transferred to full membership.

Party members who recommend an applicant must make genuine efforts to acquaint themselves with the latter's ideology, character and personal history, to explain to each applicant the Party's programme and Constitution, qualifications for membership and the duties and rights of members, and must make a responsible report to the Party organization on the matter.

The Party branch committee must canvass the opinions of persons concerned, inside and outside the Party, about an applicant for Party membership and, after establishing the latter's qualifications following a rigorous examination, submit the application to a general membership meeting for discussion.

Before approving the admission of applicants for Party membership, the next higher Party organization concerned must appoint people to talk with them, so as to get to know them better and help deepen their understanding of the Party.

In special circumstances, the Central Committee of the Party or the Party committee of a province, an autonomous region or a municipality directly under the Central Government has the power to admit new Party members directly.

Article 6 A probationary Party member must take an admission oath in front of the Party flag. The oath reads: "It is my will to join the Communist Party of China, uphold the Party's programme, observe the provisions of the Party Constitution, fulfil a Party member's duties, carry out the Party's decisions, strictly observe Party discipline, guard Party secrets, be loyal to the Party, work hard, fight for communism throughout my life, be ready at all times to sacrifice my all for the Party and the people, and never betray the Party."

Article 7 The probationary period of a probationary member is one year. The Party organization should make serious efforts to educate and observe the probationary members.

Probationary members have the same duties as full members. They enjoy the rights of full members except those of voting, electing or standing for election.

When the probationary period of a probationary member has expired, the Party branch concerned should promptly discuss whether he is qualified to be transferred to full membership. A probationary member who conscientiously performs his duties and is qualified for membership should be transferred to full membership as scheduled; if continued observation and education are needed, the probationary period may be prolonged, but by no more than one year; if a probationary member fails to perform his duties and is found to be really unqualified for membership, his probationary membership shall be annulled. Any decision to transfer a probationary member to full membership, prolong a probationary period, or annul a probationary membership must be made through discussion by the general membership meeting of the Party branch concerned and approved by the next higher Party organization.

The probationary period of a probationary member begins from the day the general membership meeting of the Party branch admits him as a probationary member. The Party standing of a member begins from the day he is transferred to full membership on the expiration of the probationary period.

Article 8 Every Party member, irrespective of position, must be organized into a branch, cell or other specific unit of the Party to participate in the regular activities of the Party organization and accept supervision by the masses inside and outside the Party. There shall be no privileged Party members who do not participate in the regular activities of the Party organization and do not accept supervision by the masses inside and outside the Party.

Article 9 Party members are free to withdraw from the Party. When a Party member asks to withdraw, the Party branch concerned shall, after discussion by its general membership meeting, remove his name from the Party rolls, make the removal publicly known and report it to the next higher Party organization for the record.

A Party member who lacks revolutionary will, fails to fulfil the duties of a Party member, is not qualified for membership and remains incorrigible after repeated education should be persuaded to withdraw from the Party. The case shall be discussed and decided by the general membership meeting of the Party branch concerned and submitted to the next higher Party organization for approval. If the Party member being persuaded to withdraw refuses to do so, the case shall be submitted to the general membership meeting of the Party branch concerned for discussion and decision on a time limit by which the member must correct his mistakes or on the removal of his name from the Party rolls, and the decision shall be submitted to the next higher Party organization for approval.

A Party member who fails to take part in regular Party activities, pay membership dues or do work assigned by the Party for six successive months without proper reason is regarded as having given up membership. The general membership meeting of the Party branch concerned shall decide on the removal of such a person's name from the Party rolls and report the removal to the next higher Party organization for approval.

Chapter II

Organizational System of The Party

Article 10 The Party is an integral body organized under its programme and Constitution, on the principle of democratic centralism. It practises a high degree of centralism on the basis of a high degree of democracy. The basic principles of democratic centralism as practised by the Party are as follows:

(1) Individual Party members are subordinate to the Party organization, the minority is subordinate to the majority, the lower Party organizations are subordinate to the higher Party organizations, and all the constituent organizations and members of the Party are subordinate to the National Congress and the Central Committee of the Party.

(2) The Party's leading bodies of all levels are elected except for the representative organs dispatched by them and the leading Party members' groups in non-Party organizations.

(3) The highest leading body of the Party is the National Congress and the Central Committee elected by it. The leading bodies of local Party organizations are the Party congresses at their respective levels and the Party committees elected by them. Party committees are responsible. and report their work. to the Party congresses at their respective levels.

(4) Higher Party organizations shall pay constant attention to the views of the lower organizations and the rank-and-file Party members, and solve in good time the problems they raise. Lower Party organizations shall report on their work to. and request instructions from. higher Party organizations: at the same time, they shall handle. independently and in a responsible manner, matters within their jurisdiction. Higher and lower Party organizations should exchange information and support and supervise each other.

(5) Party committees at all levels function on the principle of combining collective leadership with individual responsibility based on division of labour. All major issues shall be decided upon by the Party committees after democratic discussion.

(6) The Party forbids all forms of personality cult. It is necessary to ensure that the activities of the Party leaders be subject to supervision by the Party and the people, while at the same time to uphold the prestige of all leaders who represent the interests of the Party and the people.

Article 11 The election of delegates to Party congresses and of members of Party committees at all levels should reflect the will of the voters. Elections shall be held by secret ballot. The lists of candidates shall be submitted to the Party organizations and voters for full deliberation and discussion. There may be a preliminary election in order to draw up a list of candidates for the formal election. Or there may be no preliminary election, in which case the number of candidates shall be greater than that of the persons to be elected. The voters have the right to inquire into the candidates, demand a change or reject one in favour of another. No organization or individual shall in any way compel voters to elect or not to elect any candidate.

If any violation of the Party Constitution occurs in the election of delegates to a local Party congress, the Party committee at the next higher level shall, after investigation and verification, decide to invalidate the election and take appropriate measures. The decision shall be reported to the Party committee at the next higher level for checking and approval before it is formally announced and implemented.

Article 12 When necessary, Party committees of and above the county level may convene conferences of delegates to discuss and decide on major problems that require timely solution. The number of delegates to such conferences and the procedure governing their election shall be determined by the Party committees convening them.

Article 13 The formation of a new Party organization or the dissolution of an existing one shall be decided upon by the higher Party organizations.

Party committees of and above the county level may send out their representative organs.

When the congress of a local Party organization at any level is not in session, the next higher Party organization may, when it deems it necessary, transfer or appoint responsible members of that organization.

Article 14 When making decisions on important questions affecting the lower organizations, the leading bodies of the Party at all levels should, in ordinary circumstances, solicit the opinions of the lower organizations. Measures should be taken to ensure that the lower organizations can exercise their functions and powers normally. Except in special circumstances, higher leading bodies should not interfere with matters that ought to be handled by lower organizations.

Article 15 Only the Central Committee of the Party has the power to make decisions on major policies of a nationwide character. Party organizations of various departments and localities may make suggestions with regard to such policies to the Central Committee, but shall not make any decisions or publicize their views outside the Party without authorization.

Lower Party organizations must firmly implement the decisions of higher Party organizations. If lower organizations consider that any decisions of higher organizations do not suit actual conditions in their localities or departments, they may request modification. If the higher organizations insist on their original decisions, the lower organizations must carry out such decisions and refrain from publicly voicing their differences, but have the right to report to the next higher Party organization.

Newspapers and journals and other means of publicity run by Party organizations at all levels must propagate the line, principles, policies and decisions of the Party.

Article 16 Party organizations must keep to the principle of subordination of the minority to the majority in discussing and making decisions on any matter. Serious consideration should be given to the differing views of a minority. In case of controversy over major issues in which supporters of the two opposing views are nearly equal in number, except in emergencies where action must be taken in accordance with the majority view, the decision should be put off to allow for further investigation, study and exchange of opinions followed by another discussion. If still no decision can be made, the controversy should be reported to the next higher Party organization for ruling.

When, on behalf of the Party organization, an individual Party member is to express views on major issues beyond the scope of existing Party decisions, the content must be referred to the Party organization for prior discussion and decision, or referred to the next higher Party organization for instructions. No Party member, whatever his position, is allowed to make decisions on major issues on his own. In an emergency, when a decision by an individual is unavoidable, the matter must be reported to the Party organization immediately afterwards. No leader is allowed to decide matters arbitrarily on his own or to place himself above the Party organization.

Article 17 The central, local and primary organizations of the Party must all pay great attention to Party building. They shall regularly discuss and check up on the Party's work in propaganda, education, organization and discipline inspection, its mass work and united front work. They must carefully study ideological and political developments inside and outside the Party.

Chapter III

Central Organizations of The Party

Article 18 The National Congress of the Party is held once every five years and convened by the Central Committee. It may be convened before the due date if the Central Committee deems it necessary or if more than one-third of the organizations at the provincial level so request. Except under extraordinary circumstances, the congress may not be postponed.

The number of delegates to the National Congress of the Party and the procedure governing their election shall be determined by the Central Committee.

Article 19 The functions and powers of the National Congress of the Party are as follows:

(1) To hear and examine the reports of the Central Committee;

(2) To hear and examine the reports of the Central Advisory Commission and the Central Commission for Discipline Inspection;

(3) To discuss and decide on major questions concerning the Party;

(4) To revise the Constitution of the Party;

(5) To elect the Central Committee; and

(6) To elect the Central Advisory Commission and the Central Commission for Discipline Inspection.

Article 20 The Central Committee of the Party is elected for a term of five years. However, when the next National Congress is convened before or after its due date, the term shall be correspondingly shortened or extended. Members and alternate members of the Central Committee must have a Party standing of five years or more. The number of members and alternate members of the Central Committee shall be determined by the National Congress. Vacancies on the Central Committee shall be filled by its alternate members in the order of the number of votes by which they were elected.

The Central Committee of the Party meets in plenary session at least once a year, and such sessions are convened by its Political Bureau.

When the National Congress is not in session, the Central Committee carries out its decisions, directs the entire work of the Party and represents the Communist Party of China in its external relations.

Article 21 The Political Bureau, the Standing Committee of the Political Bureau, the Secretariat and the General Secretary of the Central Committee of the Party are elected by the Central Committee in plenary session. The General Secretary of the Central Committee must be a member of the Standing Committee of the Political Bureau.

When the Central Committee is not in session, the Political Bureau and its Standing Committee exercise the functions and powers of the Central Committee.

The Secretariat attends to the day-to-day work of the Central Committee under the direction of the Political Bureau and its Standing Committee.

The General Secretary of the Central Committee is responsible for convening the meetings of the Political Bureau and its Standing Committee and presides over the work of the Secretariat.

The members of the Military Commission of the Central Committee are decided on by the Central Committee. The Chairman of the Military Commission must be a member of the Standing Committee of the Political Bureau.

The central leading bodies and leaders elected by each Central Committee shall, when the next National Congress is in session, continue to preside over the Party's day-to-day work until the new central leading bodies and leaders are elected by the next Central Committee.

Article 22 The Party's Central Advisory Commission acts as political assistant and consultant to the Central Committee. Members of the Central Advisory Commission must have a Party standing of 40 years or more, have rendered considerable service to the Party, have fairly rich experience in leadership and enjoy fairly high prestige inside and outside the Party.

The Central Advisory Commission is elected for a term of the same duration as that of the Central Committee. It elects, at its plenary meeting, its Standing Committee and its Chairman and Vice-Chairmen, and reports the results to the Central Committee for approval. The Chairman of the Central Advisory Commission must be a member of the Standing Committee of the Political Bureau. Members of the Central Advisory Commission may attend plenary sessions of the Central Committee as non-voting participants. The Vice-Chairmen of the Central Advisory Commission may attend plenary meetings of the Political Bureau as non-voting participants and, when the Political Bureau deems it necessary, other members of the Standing Committee of the Central Advisory Commission may do the same.

Working under the leadership of the Central Committee of the Party, the Central Advisory Commission puts forward recommendations on the formulation and implementation of the Party's principles and policies and gives advice upon request, assists the Central Committee in investigating and handling certain important questions, propagates the Party's major principles and policies inside and outside the Party, and undertakes such other tasks as may be entrusted to it by the Central Committee.

Article 23 Party organizations in the Chinese People's Liberation Army carry on their work in accordance with the instructions of the Central Committee. The General Political Department of the Chinese People's Liberation Army is the political-work organ of the Military Commission; it directs Party and political work in the army. The organizational system and organs of the Party in the armed forces will be prescribed by the Military Commission.

Chapter IV

Local Organizations of the Party

Article 24 A Party congress of a province, autonomous region, municipality directly under the Central Government, city divided into districts, or autonomous prefecture is held once every five years.

A Party congress of a county (banner), autonomous county, city not divided into districts, or municipal district is held once every three years.

Local Party congresses are convened by the Party committees at the corresponding levels. Under extraordinary circumstances, they may be held before or after their due dates upon approval by the next higher Party committees.

The number of delegates to the local Party congresses at any level and the procedure governing their election are determined by the Party committees at the corresponding levels and should be reported to the next higher Party committees for approval.

Article 25 The functions and powers of the local Party congresses at all levels are as follows:

(1) To hear and examine the reports of the Party committees at the corresponding levels;

(2) To hear and examine the reports of the commissions for discipline inspection at the corresponding levels;

(3) To discuss and decide on major issues in the given areas; and

(4) To elect the Party committees and commissions for discipline inspection at the corresponding levels and delegates to the Party congresses at their respective next higher levels.

The Party congress of a province, autonomous region, or municipality directly under the Central Government elects the Party advisory committee at the corresponding level and hears and examines its reports.

Article 26 The Party committee of a province, autonomous region, municipality directly under the Central Government, city divided into districts, or autonomous prefecture is elected for a term of five years. The members and alternate members of such a committee must have a Party standing of five years or more.

The Party committee of a county (banner), autonomous county, city not divided into districts, or municipal district is elected for a term of three years. The members and alternate members of such a committee must have a Party standing of three years or more.

When local Party congresses at various levels are convened before or after their due dates, the terms of the committees elected by the previous congresses shall be correspondingly shortened or extended.

The number of members and alternate members of the local Party committees at various levels shall be determined by the next higher committees. Vacancies on the local Party committees at various levels shall be filled by their alternate members in the order of the number of votes by which they were elected.

The local Party committees at various levels meet in plenary session at least once a year.

Local Party committees at various levels shall, when the Party congresses of the given areas are not in session, carry out the directives of the next higher Party organizations and the decisions of the Party congresses at the corresponding levels, direct work in their own areas and report on it to the next higher Party committees at regular intervals.

Article 27 Local Party committees at various levels elect, at their plenary sessions, their standing committees, secretaries and deputy secretaries and report the results to the higher Party committees for approval. The standing committees at various levels exercise the powers and functions of local Party committees when the latter are not in session. They continue to handle the day-to-day work when the next Party congresses at their levels are in session, until the new standing committees are elected.

Article 28 The Party advisory committee of a province, autonomous region or municipality directly under the Central Government acts as political assistant and consultant to the Party committee at the corresponding level. It works under the leadership of the Party committee at the corresponding level and in the light of the relevant provisions of Article 22 of the present Constitution. The qualifications of its members shall be specified by the Party committee at the corresponding level in the light of the relevant provisions of Article 22 of the present Constitution and the actual conditions in the locality concerned. It serves a term of the same duration as the Party committee at the corresponding level.

The advisory committee of a province, autonomous region or municipality directly under the Central Government elects, at its plenary meeting, its standing committee and its chairman and vice-chairmen, and the results are subject to endorsement by the Party committee at the corresponding level and should be reported to the Central Committee for approval. Its members may attend plenary sessions of the Party committee at the corresponding level as non-voting participants, and its chairman and vice-chairmen may attend meetings of the standing committee of the Party committee at the corresponding level as non-voting participants.

Article 29 A prefectural Party committee, or an organization analogous to it, is the representative organ dispatched by a provincial or an autonomous regional Party committee to a prefecture embracing several counties, autonomous counties or cities. It exercises leadership over the work in the given region as authorized by the provincial or autonomous regional Party committee.

Chapter V

Primary Organizations of the Party

Article 30 Primary Party organizations are formed in factories, shops, schools, offices, city neighbourhoods, people's communes, co-operatives, farms, townships, towns, companies of the People's Liberation Army and other basic units, where there are three or more full Party members.

In primary Party organizations, the primary Party committees, and committees of general Party branches or Party branches, are set up respectively as the work requires and according to the number of Party members, subject to approval by the higher Party organizations. A primary Party committee is elected by a general membership meeting or a delegate meeting. The committee of a general Party branch or a Party branch is elected by a general membership meeting.

Article 31 In ordinary circumstances, a primary Party organization which has set up its own committee convenes a general membership meeting or delegate meeting once a year; a general Party branch holds a general membership meeting twice a year; a Party branch holds a general membership meeting once in every three months.

A primary Party committee is elected for a term of three years, while a general Party branch committee or a Party branch committee is elected for a term of two years. Results of the election of a secretary and deputy secretaries by a primary Party committee, general branch committee or branch committee shall be reported to the higher Party organizations for approval.

Article 32 The primary Party organizations are militant bastions of the Party in the basic units of society. Their main tasks are:

(1) To propagate and carry out the Party's line, principles and policies, the decisions of the Central Committee of the Party and other higher Party organizations, and their own decisions; to give full play to the exemplary vanguard role of Party members, and to unite and organize the cadres and the rank and file inside and outside the Party in fulfilling the tasks of their own units.

(2) To organize Party members to conscientiously study Marxism-Leninism and Mao Zedong Thought, study essential knowledge concerning the Party, and the Party's line, principles and policies, and acquire general, scientific and professional knowledge.

(3) To educate and supervise Party members, ensure their regular participation in the activities of the Party organization, see that Party members truly fulfil their duties and observe discipline, and protect their rights from encroachment.

(4) To maintain close ties with the masses, constantly seek their criticisms and opinions regarding Party members and the Party's work,

value the knowledge and rationalization proposals of the masses and experts, safeguard the legitimate rights and interests of the masses, show concern for their material and cultural life and help them improve it, do effective ideological and political work among them, and enhance their political consciousness. They must correct, by proper methods, the erroneous ideas and unhealthy ways and customs that may exist among the masses, and properly handle the contradictions in their midst.

(5) To give full scope to the initiative and creativeness of Party members and the masses, discover advanced elements and talented people needed for the socialist cause, encourage them to improve their work and come up with innovations and inventions, and support them in these efforts.

(6) To admit new Party members, collect membership dues, examine and appraise the work and behaviour of Party members, commend exemplary deeds performed by them, and maintain and enforce Party discipline.

(7) To promote criticism and self-criticism, and expose and overcome shortcomings and mistakes in work. To educate Party and non-Party cadres; see to it that they strictly observe the law and administrative discipline and the financial and economic discipline and personnel regulations of the state; see to it that none of them infringe the interests of the state, the collective and the masses; and see to it that the financial workers including accountants and other professionals who are charged with enforcing laws and regulations in their own units do not themselves violate the laws and regulations, while at the same time ensuring and protecting their right to exercise their functions and powers independently in accordance with the law and guarding them against any reprisals for so doing.

(8) To educate Party members and the masses to raise their revolutionary vigilance and wage resolute struggles against the criminal activities of counter-revolutionaries and other saboteurs.

Article 33 In an enterprise or institution, the primary Party committee or the general branch committee or branch committee, where there is no primary Party committee, gives leadership in the work of its own unit. Such a primary Party organization discusses and decides on major questions of principle and at the same time ensures that the administrative leaders fully exercise their functions and powers, but refrains from substituting itself for, or trying to take over from, the administrative leaders. Except in special circumstances, the general branch committees and branch committees under the leadership of a primary Party committee only play a guarantory and supervisory role to see that the production targets or operational tasks assigned to their own units are properly fulfilled.

In Party or government offices at all levels, the primary Party organizations shall not lead the work of these offices. Their task here is to exercise supervision over all Party members, including the heads of these offices who are Party members, with regard to their implementation of the Party's line, principles and policies, their observance of discipline and the law, their contact with the masses, and their ideology, work style and moral character; and to assist the office heads to improve work, raise efficiency and overcome bureaucratic ways, keep them informed of the shortcomings and problems discovered in the work of these offices, or report such shortcomings and problems to the higher Party organizations.

Chapter VI

Party Cadres

Article 34 Party cadres are the backbone of the Party's cause and public servants of the people. The Party selects its cadres according to the principle that they should possess both political integrity and professional competence, persists in the practice of appointing people on their merits and opposes favouritism; it calls for genuine efforts to make the ranks of the cadres more revolutionary, younger in average age, better educated and more professionally competent.

Party cadres are obliged to accept training by the Party as well as examination and assessment of their work by the Party.

The Party should attach importance to the training and promotion of women cadres and cadres from among the minority nationalities.

Article 35 Leading Party cadres at all levels must perform in an exemplary way their duties as Party members prescribed in Article 3 of this Constitution and must meet the following basic requirements:

(1) Have a fair grasp of the theories of Marxism-Leninism and Mao Zedong Thought and the policies based on them, and be able to adhere to the socialist road, fight against the hostile forces disrupting socialism and combat

all erroneous tendencies inside and outside the Party.

(2) In their work as leaders, conduct earnest investigations and study, persistently proceed from reality and properly carry out the line, principles and policies of the Party.

(3) Be fervently dedicated to the revolutionary cause and imbued with a strong sense of political responsibility, and be qualified for their leading posts in organizational ability, general education and vocational knowledge.

(4) Have a democratic work style, maintain close ties with the masses, correctly implement the Party's mass line, conscientiously accept criticism and supervision by the Party and the masses, and combat bureaucratism.

(5) Exercise their functions and powers in the proper way, observe and uphold the rules and regulations of the Party and the state, and combat all acts of abusing power and seeking personal gain.

(6) Be good at uniting and working with a large number of comrades, including those who hold differing opinions, while upholding the Party's principles.

Article 36 Party cadres should be able to co-operate with non-Party cadres, respect them and learn open-mindedly from their strong points.

Party organizations at all levels must be good at discovering and recommending talented and knowledgeable non-Party cadres for leading posts, and ensure that the latter enjoy authority commensurate with their posts and can play their roles to the full.

Article 37 Leading Party cadres at all levels, whether elected through democratic procedure or appointed by a leading body, are not entitled to lifelong tenure, and they can be transferred from or relieved of their posts.

Cadres no longer fit to continue working due to old age or poor health should retire according to the regulations of the state.

Chapter VII

Party Discipline

Article 38 A Communist Party member must consciously act within the bounds of Party discipline.

Party organizations shall criticize, educate or take disciplinary measures against members who violate Party discipline, depending on the nature and seriousness of their mistakes and in the spirit of "learning from past mistakes to avoid future ones, and curing the sickness to save the patient."

Party members who violate the law and administrative discipline shall be subject to administrative disciplinary action or legal action instituted by administrative or judicial organs. Those who have seriously violated criminal law shall be expelled from the Party.

Article 39 There are five measures of Party discipline: warning, serious warning, removal from Party posts and proposals for their removal from non-Party posts to the organizations concerned, placing on probation within the Party, and expulsion from the Party.

The period for which a Party member is placed on probation shall not exceed two years. During this period, the Party member concerned has no right to vote, elect or stand for election. A Party member who during this time proves to have corrected his mistake shall have his rights as a Party member restored. Party members who refuse to mend their ways shall be expelled from the Party.

Expulsion is the ultimate Party disciplinary measure. In deciding on or approving an expulsion, Party organizations at all levels should study all the relevant facts and opinions and exercise extreme caution.

It is strictly forbidden, within the Party, to take any measures against a member that contravene the Party Constitution or the laws of the state, or to retaliate against or frame up comrades. Any offending organization or individual must be dealt with according to Party discipline or the laws of the state.

Article 40 Any disciplinary measure against a Party member must be discussed and decided on at a general membership meeting of the Party branch concerned, and reported to the primary Party committee concerned for approval. If the case is relatively important or complicated, or involves the expulsion of a member, it shall be reported, on the merit of that case, to a Party commission for discipline inspection at or above the county level for examination and approval. Under special circumstances, a Party committee or a commission for discipline inspection at or above the county level has the authority to decide directly on disciplinary measures against a Party member.

Any decision to remove a member or alternate member of the Central Committee or a local committee at any level from posts within the Party, to place such a person on probation within the Party or to expel him from the Party must be taken by a two-thirds majority vote at a plenary meeting of the Party committee to which he belongs. Such a disciplinary measure against a member or alternate member of a local Party committee is subject to approval by the higher Party committees.

Members and alternate members of the Central Committee who have seriously violated criminal law shall be expelled from the Party on decision by the Political Bureau of the Central Committee; members and alternate members of local Party committees who have seriously violated criminal law shall be expelled from the Party on decision by the standing committees of the Party committees at the corresponding levels.

Article 41 When a Party organization decides on a disciplinary measure against a Party member, it should investigate and verify the facts in an objective way. The Party member in question must be informed of the decision to be made and of the facts on which it is based. He must be given a chance to account for himself and speak in his own defence. If the member does not accept the decision, he can appeal, and the Party organization concerned must promptly deal with or forward his appeal, and must not withhold or suppress it. Those who cling to erroneous views and unjustifiable demands shall be educated by criticism.

Article 42 It is an important duty of every Party organization to firmly uphold Party discipline. Failure of a Party organization to uphold Party discipline must be investigated.

In case a Party organization seriously violates Party discipline and is unable to rectify the mistake on its own, the next higher Party committee should, after verifying the facts and considering the seriousness of the case, decide on the reorganization or dissolution of the organization, report the decision to the Party committee further above for examination and approval, and then formally announce and carry out the decision.

Chapter VIII

Party Organs for Discipline Inspection

Article 43 The Party's Central Commission for Discipline Inspection functions under the leadership of the Central Committee of the Party. Local commissions for discipline inspection at all levels function under the dual leadership of the Party committees at the corresponding levels and the next higher commissions for discipline inspection.

The Party's central and local commissions for discipline inspection serve a term of the same duration as the Party committees at the corresponding levels.

The Central Commission for Discipline Inspection elects, in plenary session, its standing committee and secretary and deputy secretaries and reports the results to the Central Committee for approval. Local commissions for discipline inspection at all levels elect, at their plenary sessions, their respective standing committees and secretaries and deputy secretaries. The results of the elections are subject to endorsement by the Party committees at the corresponding levels and should be reported to the higher Party committees for approval. The First Secretary of the Central Commission for Discipline Inspection must be a member of the Standing Committee of the Political Bureau. The question of whether a primary Party committee should set up a commission for discipline inspection or simply appoint a discipline inspection commissioner shall be determined by the next higher Party organization in the light of the specific circumstances. The committees of general Party branches and Party branches shall have discipline inspection commissioners.

The Party's Central Commission for Discipline Inspection shall, when its work so requires, accredit discipline inspection groups or commissioners to Party or state organs at the central level. Leaders of the discipline inspection groups or discipline inspection commissioners may attend relevant meetings of the leading Party organizations in the said organs as non-voting participants. The leading Party organizations in the organs concerned must give support to their work.

Article 44 The main tasks of the central and local commissions for discipline inspection are as follows: to uphold the Constitution and the other important rules and regulations of the Party, to assist the respective Party committees in rectifying Party style, and to check up on the implementation of the line, principles, policies and decisions of the Party.

The central and local commissions for discipline inspection shall carry out constant education among Party members on their duty to observe Party discipline; they shall adopt decisions for the upholding of Party discipline, examine and deal with relatively important or complicated cases of violation of the Constitution and discipline of the Party or the laws and decrees of the state by Party organizations or Party members; decide on or cancel disciplinary measures against Party members involved in such cases; and deal with complaints and appeals made by Party members.

The central and local commissions for discipline inspection should report to the Party committees at the corresponding levels on the results of their handling of cases of special importance or complexity, as well as on the problems encountered. Local commissions for discipline inspection should also present such reports to the higher commissions.

If the Central Commission for Discipline Inspection discovers any violation of Party discipline by any member of the Central Committee, it may report such an offence to the Central Committee, and the Central Committee must deal with the case promptly.

Article 45 Higher commissions for discipline inspection have the power to check up on the work of the lower commissions and to approve or modify their decisions on any case. If decisions so modified have already been ratified by the Party committee at the corresponding level, the modification must be approved by the next higher Party committee.

If a local commission for discipline inspection does not agree with a decision made by the Party committee at the corresponding level in dealing with a case, it may request the commission at the next higher level to re-examine the case; if a local commission discovers cases of violation of Party discipline or the laws and decrees of the state by the Party committee at the corresponding level or by its members, and if that Party committee fails to deal with them properly or at all, it has the right to appeal to the higher commissions for assistance in dealing with such cases.

Chapter IX

Leading Party Members' Groups

Article 46 A leading Party members' group shall be formed in the leading body of a central or local state organ, people's organization, economic or cultural institution or other non-Party unit. The main tasks of such a group are: to see to it that the Party's principles and policies are implemented, to unite with the non-Party cadres and masses in fulfilling the tasks assigned by the Party and the state, and to guide the work of the Party organization of the unit.

Article 47 The members of a leading Party members' group are appointed by the Party committee that approves its establishment. The group shall have a secretary and deputy secretaries.

A leading Party members' group must accept the leadership of the Party committee that approves its establishment.

Article 48 The Central Committee of the Party shall determine specifically the functions, powers and tasks of the leading Party members' groups in those government departments which need to exercise highly centralized and unified leadership over subordinate units; it shall also determine whether such groups should be replaced by Party committees.

Chapter X

Relationship Between the Party And the Communist Youth League

Article 49 The Communist Youth League of China is a mass organization of advanced young people under the leadership of the Communist Party of China; it is a school where large numbers of young people will learn about communism through practice; it is the Party's assistant and reserve force. The Central Committee of the Communist Youth League functions under the leadership of the Central Committee of the Party. The local organizations of the Communist Youth League are under the leadership of the Party committees at the corresponding levels and of the higher organizations of the League itself.

Article 50 Party committees at all levels must strengthen their leadership over the Communist Youth League organizations and pay attention to the selection and training of League cadres. The Party must firmly support the Communist Youth League in the lively and creative performance of its work to suit the characteristics and needs of young people, and give full play to the League's role as a shock force and as a bridge linking the Party with the broad masses of young people.

Those secretaries of League committees, at or below the county level or in enterprises and institutions, who are Party members may attend meetings of Party committees at the corresponding levels and of their standing committees as non-voting participants. □

HUMAN RIGHTS AND CHINA

A Chinese Perspective on Human Rights:

Basic Positions and Practice of China
on
Human Rights Issues

The development of human rights status is restricted by the history, society, economy and culture in different countries, and is a process of historical development. The Chinese people, based on their own history, national conditions and long-term practice, have formed their own viewpoints and policies towards human rights issues.

1. The right to subsistence is the foremost human right the Chinese have long fight [sic] for.
2. The Chinese people have gained extensive political rights. National People's Congress is the fundamental political system of China. The Chinese Communist Party is the ruling party of socialist China. China has been attaching great importance to the construction of democracy.
3. The Chinese people enjoy economic, cultural and social rights. China has eradicated the system of exploitation. Cultural, educational enterprises and health care have been developing very fast. Women's rights have been guaranteed.
4. China attaches importance to the guarantee of human rights in judicial work. Citizens are equal before the law. China has a very low crime rate. Humanitarian and scientific administration are carried out in Chinese prisons and reformatories.
5. China is a united country with many nationalities. All nationalities enjoy equal rights.

China is an ancient and young country. A long time work [goal] of the government of China is to continuously enhance the development of human rights and try to meet the targets required by socialism.

From handout distributed by Dr. Zhou Zhiliang,
Vice President and Professor, Beijing Normal University,
at his Fulbright presentation on 6-29-94 in Beijing, China.

BEST COPY AVAILABLE

Excerpts from a Fulbright lecture on **"Human Rights in China"**

by **Dr. Zhou Zhiliang**, Vice President and Professor, Beijing Normal University, 6-29-94 in Beijing, China.

The main human rights concern:

"For Chinese, the most important rights are 'existing [existence] rights' ...basic rights. Food for the population is a primary concern."

In the cities, life expectancy has doubled.

Historical factors:

"Sovereignty is a crucial aspect: Chinese have faced foreign aggressors 100 times since 1840. Many have imposed 'unequal treaties.' The reconstruction of China's economy was important during the post-WWII period."

On women's rights:

"44% of the Chinese workforce is female, versus 35% for the world in general. Beijing has a woman vice mayor, and a Women's Committee. Women have special privileges, such as keeping assets secret.

"China emphasizes equal pay for equal work, but women's wages are 77% of men's wages. Women may not be willing to take certain jobs."

On the political system:

"People's congresses are elected democratically, with representatives at each level. There is no financial manipulation of voting."

"The Communist Party is dominant, but eight other democratic parties exist. The other parties serve in a consultative and supervisory role, with the Communist Party as the 'ruling party.' 1002 government posts are occupied by non-Communist Party members."

On the legal system:

China has "[E]quality before the law, due process, a low crime rate. 0.1% of total population is in prison, compared to 0.45% in the U.S. The object of Chinese prisons is reform, with skills training. Officials are currently being imprisoned for bribery and corruption."

On minorities:

"China has 56 nationalities, each with equal status. Autonomous zones are governed by ethnic minorities."

On Tibet:

"Before the [Chinese] liberation of Tibet, 95% of the Tibetan population were "slaves," similar to the situation in the U.S. South before the Civil War. Since the emancipation of Tibet, Tibetans now have individual rights. Once there were no highways in Tibet, now there are 20,000 kilometers of highway. Tibet's first primary school was built in 1952 by the New China."

In summary:

"The three characteristics of China's human rights are broadness, equality, and reliability. China is a developing country, having undergone a tortuous past.

China is proud of its improvements, but we recognize we still have a long way to go. The human rights situation in China is changing. Most individuals appreciate the improvement of their economic rights.

The key is rapid economic growth. Existing and developing rights are fundamental."

HUMAN RIGHTS AND CHINA

A Chinese Perspective on Human Rights:

Excerpts from
"China's Positions on Certain International Issues."
U.N. Mission of the People's Republic of China,
New York, January 1991

Human Rights (pp. 23-25):

"The concept of human rights and its connotations have evolved alongside the development of history. [H]uman rights...include not only the civil and political rights for individuals, but also such collective human rights as economic, social and cultural rights as well as the right of peoples to self-determination and the right to development. All these human rights are interrelated. At the same time, since there exist in the world different social and political systems, uneven economic development and diversified historical, religious and cultural background, it is only natural that people have different interpretations of the concept of human rights. We therefore should respect each other's opinions and seek common ground while preserving differences. If some people try obstinately to pursue their own interpretations as universal truth, they will get nowhere and are bound to be opposed."

"[O]ne third of developing countries' population still lives below the poverty line. Therefore, as far as the great masses of people in developing countries --the majority of world population-- are concerned, the most urgent question of human rights is still the right to survival and improvement of living conditions, including clothing, food, housing, transportation and communication, employment, education and medical care."

"[H]uman rights have been manipulated by some countries as a means to pursue power politics, interfere in other countries' internal affairs, and exert political pressure on the weaker and smaller states. Consequently, the sovereignty and dignity of many developing countries have been repeatedly harmed."

"[T]he United Nations' mandate and role in the field of human rights are to promote international cooperation. The United Nations is not a supra-national institution, let alone a human rights court. [A]ll the U.N. human rights agencies should exert themselves to help realize harmonization, understanding and mutual respect among member states, rather than misunder-standing, confrontation and resentment."

Principles of International Relations (page 1):

"Normal international relations can be ensured only when all countries observe the five principles of: mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence."

PEOPLE'S REPUBLIC OF CHINA
MISSION TO THE UNITED NATIONS
155 WEST 66th STREET, NEW YORK, N.Y. 10023

PRESS RELEASE

A Reference Material

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CHINA'S POSITIONS
ON CERTAIN INTERNATIONAL ISSUES

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New York, January 1994

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(Excerpts from the statement by Ambassador Chen on human rights questions)

1993 is a year of special significance in the UN field of human rights. In June this year, the World Conference on Human Rights was held in Vienna. As another important high-level conference in the UN field of human rights since the 1968 International Conference on Human Rights held in Teheran, it has added a new chapter in the annals of international human rights. During the Vienna Conference, representatives from over 160 countries expounded their positions and proposals on the question of human rights and carried out extensive and in-depth discussions on future cooperation in the field of international human rights. The Vienna Declaration and Programme of Action adopted at the Conference is another important instrument in the field of international human rights following the Universal Declaration on Human Rights, Teheran Declaration and three regional human rights declarations.

In the Declaration adopted by this Conference, certain consensus has been reached concerning future activities by the international community to promote and protect human rights and fundamental freedoms. The Declaration has also set forth specific tasks and programmes of action, laying a solid foundation for countries to carry out future international cooperation and realize through concerted efforts the objectives of protecting human rights and fundamental freedoms as embodied in the UN Charter. It has reflected some shared understanding and views by various countries on the question of human rights, and also contains difference of opinions held by different countries on this question. We believe that the merit of this Declaration is that it has expressed profound concern with the human rights question, reaffirmed that acts of promoting and protecting human rights must conform the purposes and principles of the UN Charter, and stated that while recognizing the universality of human rights, activities of protecting human rights and fundamental freedoms should consider special conditions in different countries and regions. The Declaration points out that different categories of human rights are interrelated and inseparable and should receive equal attention. It opposes selectivity and politicization of the human rights question. In particular, the Declaration affirms explicitly that the right to development is an inalienable human right and that poverty and foreign debt burden are major obstacles to human rights, which is a point expressed in the strongest term in this Conference. Many developing countries, including China, took an active part in the preparation of the Conference and put forward a number of constructive recommendations for the formulation of the conference documents. All this together with our spirit of flexibility and cooperation has contributed greatly to the consensus arrived at the Conference.

The task facing us now is how to implement the Vienna Declaration and Programme of Action in the same spirit of cooperation, compromise and consensus shown by all the parties in Vienna. We think the following points in particular should be taken into consideration:

First, equal importance should be attached to the various recommendations of the Declaration and Programme of Action so as to ensure their comprehensive implementation and avoid putting too much emphasis on some areas at the expense of others, thus guaranteeing the realization of the objectives embodied in the Declaration and Programme of Action for the promotion and protection of all human rights and fundamental freedoms.

Second, efforts should be made to promote cooperation of all member states in the field of international human rights on the basis of equality and mutual respect so that countries with different political, economic, and social systems and diversified religious and cultural backgrounds can promote the enjoyment of full range of human rights by their peoples in their endeavour to implement the Declaration and Programme of Action and in line with their specific national conditions.

Third, the international community should continue to be mobilized to address and end the large-scale violation of human rights resulted from colonialism, racism and foreign aggression and occupation so as to create conditions for the developing countries to raise their people's living standard and fully realize their right to development at an early date.

The Chinese delegation is prepared to conduct full discussions and earnest consultations with other parties for the effective implementation of the Declaration and Programme of Action.

In addition to the World Human Rights Conference, the year of 1993 has also witnessed other achievements in the fields of international human rights. At the 49th session of the Commission on Human Rights held at the beginning of this year, resolutions on the establishment of a working group on the right to development and a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance were adopted. These new resolutions will undoubtedly play an active part in promoting and protecting human rights. At the same time, breakthrough has been achieved towards the solution to some traditional international hot spots such as the democratic election to be held in April 1994 in South Africa, and the official signing between PLO and Israel on the principled declaration on initial self-rule in Gaza Strip and Jerico and their continued negotiations on some specific issues and future steps towards the comprehensive settlement of the Palestinian question. The Chinese Government welcomes all these important developments. We sincerely hope that the efforts to resolve the Middle East and South Africa questions will continue to achieve positive results so as to ensure an early settlement of the human rights question there.

It is clear that although the UN has done a great deal of work in protecting human rights, the enjoyment of full range of human rights is far from being realized at the global level. Racism, racial discrimination, colonialism, and foreign rule, occupation and aggression remain the main cause for large-scale gross violation of human rights, leading to wars or armed conflicts that have caused huge losses of life and property of hundreds of thousands of people. Meanwhile, the spread of various forms of racism and xenophobia in certain countries cannot but cause grave concern of the international community. Many developing countries are faced with aggravated economic situation and poverty, and more and more people have lost their rights even to subsistence. To make the matter worse, the practice of distorting the concept of human rights and pursuing double standard still prevails. All these are serious obstacles to the universal realization of human rights by the international community. The current urgent task confronting the international community is to remove these obstacles and carry out international cooperation in this regard so as to make further progress in the field of human rights.

Each country has its own political, economic, and historical characters and each is at a different development stage with special national conditions and traditions. As a result, each country is faced with its own human rights issues that call for urgent solutions and thus has its own approaches and priorities on human rights question. For instance, some countries need to stop war, others need to deal with disasters and protect their people's survival. With regard to the developing countries, the rights to subsistence and development are their primary concern. Therefore, respect for different understanding of human rights held by different countries and the different measures they adopt to protect human rights in line with their national conditions constitutes the cornerstone for exchanges and cooperation in the field of international human rights.

It will neither be realistic nor feasible if the human rights standards and models of certain countries are regarded as absolutely perfect and if the values and political system of one country or a number of countries are imposed on others as a model to be universally practised by all countries in the world.

It will be even more inappropriate and certainly be rejected by the developing countries if the above-mentioned are attached to the international economic assistance and cooperation as an additional conditionality.

It is absolutely unacceptable if the UN agencies and fora are used to carry out political attacks against and interfere in the internal affairs of other countries in the name of protecting human rights. Since the Cold War marked by the confrontation between the two military blocs has come to an end, the various abnormal behaviours in the UN field of human rights left over from the Cold War should be removed once and for all.

It should raise the vigilance of the world people if the human rights issue is used as a tool to extend a country's spheres of influence in an attempt to establish hegemonism in the world.

Only dialogues conducted on the basis of mutual respect and equality will be conducive to the deepening of mutual understanding, the removal of misunderstanding and the promotion of international cooperation. The Chinese Government is ready to work with other member states for the promotion of such healthy cooperation in the field of international human rights.

The Chinese Government always attaches great importance to the human rights question. China has acceded to eight international human rights conventions and strictly fulfilled its obligations set forth by these conventions. It is the consistent policy of the Chinese Government to protect and promote various rights of its citizens in line with China's own national conditions, historical and cultural tradition and level of economic development. It is exactly because of the earnest pursuance of this policy and the tremendous success in its policy of reform and opening up to the outside world in the past 15 years that China has enjoyed social stability, economic growth and steady improvement of its people's living standard as well as an ever-enhanced level of human rights protection. Only those who act from the ideological point of view and look through coloured spectacles will choose not to notice these achievements. We are ready to work with other members of the international community on the basis of mutual understanding and respect and seeking common ground, and continue to make unremitting efforts to strengthen international cooperation in the field of human rights and protect and promote human rights at the global level.

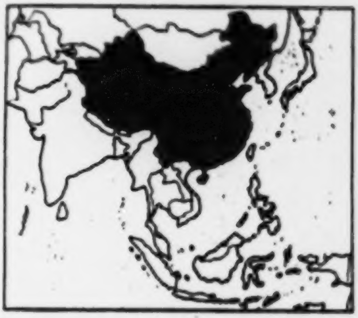
AMNESTY INTERNATIONAL

The 1994 Report on Human Rights Around the World

This report covers the period
January to December 1993

Hunter House

CHINA



Hundreds of political activists and members of religious or ethnic groups were arrested. Scores of them, including prisoners of conscience, were held without charge or sentenced to terms of imprisonment after unfair trials. Over a dozen prisoners of conscience were released from prison, but not unconditionally. Thousands of political prisoners, including hundreds of prisoners of conscience arrested in previous years, remained imprisoned. Torture and ill-treatment of prisoners were widely reported. The death penalty continued to be used extensively.

Political opposition continued to be repressed by the authorities and the police continued to exercise extensive powers of arbitrary arrest and detention. In October a government official publicly sought to justify the prosecution of individuals for "counter-revolutionary" acts and stated that the number of convicted "counter-revolutionaries" imprisoned was over 3,300 – a figure far below the total number of political prisoners.

In September the authorities called for a "resolute" crackdown on "separatists" in Tibet. Similar statements were made about Muslim nationalists in other regions of western China. During September a large number of troops were moved into Kashgar, Xinjiang Autonomous Region, apparently in response to bomb attacks allegedly carried out by Muslim nationalists. Large-scale arrests were reportedly carried out. In October the authorities crushed protests by tens of thousands of Muslims in Xining, Qinghai province, by storming a mosque occupied by the protesters and arresting over a dozen Islamic leaders. Arrests related to ethnic unrest were also believed to have been carried out in other areas, but few details were available.

Widespread arrests of suspected government opponents continued throughout the year. Some people were released without charge, but others remained held. Between April and June over a dozen dissidents were detained in Shanghai, including veteran pro-democracy campaigners Fu Shenqi and Zhang Xianliang. They were sentenced in July to three years of "re-education through labour", a form of administrative detention imposed without charge or trial. Both had previously spent several years in prison for writing articles advocating democracy.

Hundreds of people were detained because of their religious views or for taking part in unauthorized religious activities, including Protestants, Roman Catholics, Buddhists and Muslims. Some were released but others remained in detention without charge or trial. Among those particularly targeted were Christians in Shanxi, Henan, Shandong, Shaanxi and Anhui provinces. Many were arrested following police raids on religious meetings held in private homes. Often, they were beaten during raids or in police custody. Most were held without charge for a few days or up to several months and were freed only after paying heavy fines. Some were still held without trial at the end of the year.

Information emerged during the year about Christians imprisoned in previous years, including 37 members of a Protestant group called the Jesus Family in Shandong province, who were sentenced in 1992 to terms of imprisonment or "re-education through labour" for their peaceful religious activities.

At least 160 Tibetans were reported to have been detained in Tibet for activities in support of Tibetan independence or for monitoring human rights. Of these, 123 were known to be still detained at the end of the year, mostly held without charge or trial.

Gendun Rinchen, a tourist guide, and Lobsang Yonten, a former monk, were arrested in May shortly before the arrival in Lhasa, the capital of the Tibet Autonomous Region (TAR), of a delegation of European Community (EC) diplomats on a human rights fact-finding tour. The two men

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had been monitoring human rights and planned to contact the delegation. They were accused of "stealing state secrets" and engaging in "separatist activities". Both prisoners of conscience, they were believed to be held in Seitru Detention Centre in Lhasa at the end of the year.

Following the EC delegation's visit, large protests took place in Lhasa on 24 and 25 May, during which demonstrators stoned government buildings, resulting in casualties on both sides. Many Tibetans were arrested. Further arrests were reportedly carried out later when small groups of Tibetans attempted to stage peaceful protests. Among those detained were 12 nuns from Garu, near Lhasa, including Gyaltsen Pelsang, a 15-year-old novice. In May and June around 50 Tibetans were arrested in villages where a series of pro-independence protests took place. In early July hundreds of Chinese soldiers reportedly surrounded a group of villages in southern Tibet and arrested around 35 lay people and monks following pro-independence demonstrations. Later in July around 60 Tibetans were arrested in the provinces of Qinghai, Sichuan and Gansu which border the TAR, on suspicion of preparing pro-independence leaflets for distribution.

Over a dozen prisoners of conscience were freed during the year in an apparent concession to international pressure. In February a number of students jailed for their role in the 1989 protests in Beijing, such as student leaders Wang Dan and Guo Haifeng, were released on parole. Several Roman Catholic clergy and lay members were released, including Zhang Weiming and Bishop Yang Libo (see *Amnesty International Report 1993*), as well as Bishop Wang Milu (see *Amnesty International Report 1989*).

Other prisoners of conscience released on parole included three prominent dissidents who had been imprisoned for over 12 years: Wang Xizhe, who was freed in February; Xu Wenli, who was released in May; and Wei Jingsheng, who was released in September, six months before his 15-year sentence was due to expire.

Many former prisoners of conscience, however, remained under police surveillance and were liable to further punishment if they engaged in unauthorized activities. Ma Shaofang, a former student leader who had been released in mid-1992, was reportedly arrested in Beijing in April and banished to his home province of Jiangsu because he had contacts with foreign journalists.

While a few political prisoners were released, thousands of others, including hundreds of prisoners of conscience arrested after the 1989 pro-democracy protests, remained in jail. The fate of thousands of others remained unknown (see *Amnesty International Reports 1990* to *1993*).

One among the thousands who remained in jail was Jigme Sangpo, a 65-year-old Tibetan former primary school teacher, who had spent more than 23 years in jail since 1964 for supporting Tibetan independence. Wang Wanxing, who was arrested in Beijing in 1992 for unfurling a banner commemorating the June 1989 massacre (see *Amnesty International Report 1993*), remained confined in a psychiatric hospital run by the police.

Over 30 pro-democracy activists secretly detained since mid-1992 for their suspected involvement in underground dissident activities were due to go on trial at the end of the year. At least 15 of those held in Beijing were reportedly served with indictments in or around September. However, no trial was known to have taken place by the end of the year. Those held in Beijing included Kang Yuchun, a doctor detained since early June 1992. Nearly 18 months later, his parents had still not been formally notified of their son's arrest and continued to be denied permission to see or write to him.

Trials continued to fall far short of international fair trial standards. Extreme limitations were placed on the right to defence and confessions – often extracted under duress or torture – were used as evidence. Defendants had no right to call witnesses and had inadequate time and facilities to prepare a defence. In political cases, verdicts and sentences were routinely decided by the authorities before trial.

Dozens of political dissidents were believed to have been tried, although only some cases were known. Liao Jia'an, a postgraduate student at Beijing's People's University, was sentenced in August to three years' imprisonment on "counter-revolutionary" charges. Detained since June 1992, he was accused of circulating leaflets and hanging up a banner at the university campus to commemorate the 1989 massacre in Beijing. His family reportedly had difficulty finding a defence lawyer as the

Beijing judicial authorities had allegedly warned law firms in the city not to defend him. Zhang Minpeng, a democracy activist from Wuhan in Hubei province who had previously been jailed for three years for publishing an unauthorized magazine, was sentenced in August to five years' imprisonment for organizing a "counter-revolutionary" political group, the Republican Party. Twelve other members of the group were due to be tried separately, but no information was available about their trials.

Several people were also tried in secret on charges of leaking or selling "state secrets" to foreigners, although this usually referred to information that would not be considered a state secret in other countries. They included Bao Weiji, a former Foreign Ministry employee, who was sentenced in May to 10 years' imprisonment for giving "national secrets" to a foreign journalist. He was tried in secret together with several other defendants. Others were arrested on similar charges, but had not been tried by the end of the year.

Torture and ill-treatment of prisoners were frequently reported throughout the country. The most common methods cited were severe beatings, the use of electric batons and shackles, deprivation of sleep and food, and exposure to extremes of cold or heat.

In April Chinese Government representatives stated before the UN Committee against Torture that all cases of torture were "rigorously" investigated. However, few reports of investigations were made public, and in many cases no investigations were known to have taken place.

In March, during a police raid on a religious meeting in Xungyang county, Shaanxi province, a group of about 30 Christians were reportedly severely beaten. Five of them, including two women, were said to have been partly stripped, suspended by the arms and beaten until they lost consciousness. One of the men, Lai Manping, died a few days later, apparently as a result of the injuries he sustained. Despite photographic evidence of the injuries sustained, the authorities denied that the beatings had occurred.

Information came to light during the year about at least 10 people who had died as a result of torture in police custody since 1992. One of them was a villager from Beigang township, Jiangxi province, who had died under torture in March 1992. The man was said to have been shackled with his hands tied behind his back, suspended by the arms, whipped, and repeatedly beaten and kicked until he died. No investigation into his death was known to have been initiated.

Many other cases of torture were reported, including those of several political prisoners at Hanyang prison, Hubei province, who had been brutally beaten on several occasions since their imprisonment in 1989 and who in 1993 were still being held in cruel and inhuman conditions. Their complaints were either ignored by the prison authorities or resulted in further ill-treatment.

Prison conditions were often harsh and many prisoners were reportedly seriously ill as a result. Both political and criminal prisoners were subjected to prolonged periods in solitary confinement, often resulting in physical or psychological disorders. Medical care was usually inadequate. Liu Gang, a student leader imprisoned in northeast China, was reported in April to be seriously ill owing to repeated torture and harsh prison conditions. In August the authorities denied that he had been tortured but gave no indication that the allegations of torture had been formally investigated.

A former prisoner of conscience, Han Dongfang (see *Amnesty International Report 1993*), was forcibly exiled. He was refused entry to China in August when he returned from the USA where he had received medical treatment. His passport was revoked, leaving him stateless.

The dramatic increase in the use of the death penalty which began in 1990 (see *Amnesty International Reports 1991* to *1993*) continued. The number of people sentenced to death for non-violent economic crimes appeared to be increasing. Many executions for alleged corruption were recorded after the authorities launched a campaign against corruption in August. At least 2,564 death sentences and 1,419 executions were recorded by Amnesty International, but the actual figures were believed to be far higher. Many prisoners were executed after summary trials. Some were publicly displayed shortly before execution at mass sentencing rallies or in parades through the streets. These "execution parades" are illegal and officials denied they took place, but photographs of such events were publicly displayed.

Throughout the year Amnesty International urged the authorities to release prisoners of conscience, ensure fair and prompt trials for other political prisoners, investigate torture allegations and safeguard prisoners from ill-treatment, and commute all death sentences. The government did not respond. In October Amnesty International wrote to the government proposing that an Amnesty International delegation should visit China to discuss human rights with government officials and others. However, the government had not responded by the end of the year.

In oral statements to the UN Commission on Human Rights in February and to its Sub-Commission on Prevention of Discrimination and Protection of Minorities in August, Amnesty International included reference to its concerns in China.

Amnesty International published several reports on China including: in April, *China: Torture and ill-treatment*; in June, *Persecution of Christians in China*; in July, *China: Victims in their thousands – the death penalty in 1992*; and in August, *China: Appeal for Gendun Rinchen.*

COLOMBIA

Many hundreds of people were extrajudicially executed by the armed forces and their paramilitary agents. Over 120 people "disappeared" after being seized by the security forces or paramilitary groups. "Death squad"-style killings of people regarded as "disposable" in urban areas continued. Over 1,000 people were tried for alleged "terrorist" offences; some were possible prisoners of conscience. Some political detainees were tortured or ill-treated. The armed forces continued to evade accountability for thousands of extrajudicial executions and "disappearances" in recent years. Armed opposition groups committed grave human rights abuses: several hundred people were held hostage and scores more were deliberately and arbitrarily killed.

In March negotiations opened between the government and the Socialist Renewal Current, a small, dissident wing of the *Ejército de Liberación Nacional* (ELN), National Liberation Army, an armed opposition group. The dialogue was interrupted in September after two of the group's negotiators were killed by the army in circumstances suggesting that they had been extrajudicially executed. In December an agreement to start a formal peace process was signed. The principal remaining guerrilla organizations, including the majority faction of the ELN, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia, and the *Ejército Popular de Liberación* (EPL), Popular Liberation Army, maintained their campaigns of armed opposition throughout the year.

In June Congress approved a law regulating states of emergency. The law allows the security forces to carry out arrests and raids without warrant and gives the government powers to impose press censorship, restrict the right to strike, redefine crimes, increase sentences and modify penal procedures.

The state of "internal commotion" introduced in November 1992 was lifted in August. However, most of the emergency measures were extended for a further 90 days.

Many measures introduced by the government under the state of "internal commotion" were incorporated in a Public Order Bill presented to Congress for conversion into permanent legislation. The bill, which gives broad powers to the government to deal with public order issues, was passed by Congress in December.

In November Congress approved a bill designed to penalize those responsible for "disappearances" with sentences of up to 30 years' imprisonment. It had not become law by the end of the year.

Intense counter-insurgency activities continued in several areas of the country, particularly the central Magdalena Medio region and the departments of Cesar, North Santander and Meta. The armed forces and inquiry into his death. The report also expressed concern about the government's handling of asylum claims and the detention of asylum-seekers, and urged the government to implement a series of specific recommendations.

Amnesty International urged the government not to forcibly deport Karamjit Singh Chahal to India where he would be at risk of serious human rights violations.

Amnesty International submitted its comments to the government on Draft Codes of Practice on the detention, treatment and interrogation procedures for suspects held under emergency legislation in Northern Ireland, which did not conform to international standards.

Amnesty International was concerned that the government's practice of issuing Public Interest Immunity Certificates in the context of inquests in Northern Ireland was being used to prevent the disclosure of information that was crucial to a full examination of killings in suspicious circumstances.

During the year Amnesty International publicly condemned human rights abuses by Republican and Loyalist armed groups and urged them to abide by minimum humane standards and to halt deliberate and arbitrary killings and torture.

UNITED STATES OF AMERICA

Thirty-eight prisoners were executed, more than in any other year since executions resumed in 1977. The victims included four juvenile offenders. More than 2,750 prisoners were under sentence of death in 34 states. There were reports of torture and ill-treatment by police and prison officers and a number of officers were prosecuted.

Thirty-eight prisoners were executed, bringing the total number of executions since 1977 to 226. The state of Washington carried out its first execution for 29 years. Texas carried out 17 executions. Others were carried out in Virginia (five); Missouri (four); Florida (three); Arizona, Delaware and Georgia (two each); and California and Louisiana (one each).

Four juvenile offenders were executed during the year, in violation of international standards which prohibit the execution of people under 18 at the time of the crime. Curtis Harris, black, and Ruben Cantu, of Latin American origin, were executed in Texas in July and August respectively; Frederick Lashley, black, was executed in Missouri in July (he was the first juvenile offender to be executed in Missouri for over 60 years); and Christopher Burger, white, was executed in Georgia on 7 December (the last such execution in Georgia was in 1957). All were aged 17 at the time of their crimes and came from acutely deprived backgrounds.

Frederick Lashley and Ruben Cantu were both represented at their trials by lawyers who had never handled a death penalty case before. Curtis Harris and Frederick Lashley were tried before all-white juries after the prosecutor in each case had used peremptory challenges to remove all black prospective jurors.

Curtis Harris' execution took place days after the US Supreme Court had narrowly rejected an appeal in another case which claimed that a statute in force in Texas from 1976 until 1991 had been unconstitutional because it had not allowed a defendant's youth to be considered as a separate mitigating factor at the sentencing stage of a capital trial. The statute had been changed in 1991 to allow a broad range of mitigating factors to be considered, but this did not apply retroactively to prisoners, like Curtis Harris, who had been sentenced earlier.

Frederick Lashley, who had been abandoned as a baby, was convicted of the murder of his foster mother while under the influence of drugs. He had started drinking heavily when he was 10 and had been suicidal, requiring psychiatric care from an early age. He had been living on the streets at the time of the murder. His trial lawyer later stated: "Frederick's case was my first capital murder trial. At that time I had not received any training in death penalty litigation."

In January the US Supreme Court ruled that there was no constitutional right of appeal based on newly discovered evidence of innocence, where the original trial was free from procedural error. The ruling dismissed the appeal of Leonel Herrera, who was subsequently executed in Texas in May for the murder of a police officer. In 1992 his lawyers had presented new evidence alleging that his brother had committed the murder, but this was too late to be considered by the state courts. Three dissenting US Supreme Court Justices (out of nine) argued that "the execution of a person who can show that he is innocent comes perilously close to simple murder."

Several prisoners were executed despite evidence that they were mentally impaired. They included Robert Sawyer, who had a long history of mental illness and was mentally retarded – information his trial lawyer had failed to present to the jury. He was executed in Louisiana in March.

One prisoner was granted clemency: Bobby Shaw in Missouri, who also had a history of mental illness.

There were new allegations of torture and ill-treatment by police and prison officers across the country, and several officers were prosecuted.

In April, two Los Angeles police officers were convicted of federal civil rights charges arising out of the beating of black motorist Rodney King (see *Amnesty International Report 1993*) and sentenced to 30 months' imprisonment; two other officers were acquitted.

In June a Los Angeles police officer was charged with murder for the killing of John Daniels Jr, an unarmed black truck driver (see *Amnesty International Report 1993*).

In October, two former Detroit police officers, convicted of murder for the fatal beating of black motorist Malice Green in November 1992, were sentenced to prison terms of up to 18 and 25 years.

Other cases under investigation included that of Michael Bryant, black, who died in police custody in Los Angeles in March 1993. He was shot with a taser (an electric stun gun) after falling into a pool, and then "hogtied" – placed face-down in restraints with his hands and ankles tied together from behind. A coroner found the cause of death to be acute cocaine intoxication and asphyxiation from restraint procedures. There were calls for a review of restraint procedures after another suspect died in police custody in Los Angeles in September after being "hogtied".

An investigation was also being carried out into the case of Johnnie Cromartie, black, who died in police custody of head and other injuries in New York in May. Reports alleged that two white police officers repeatedly kicked him while he was lying face down with his arms handcuffed behind his back.

In February the Chicago Police Board ordered the dismissal of a former station commander after finding that he had ill-treated a suspect in 1982; two others cited in the March 1992 hearings were suspended (see *Amnesty International Reports 1992* and *1993*).

Inquiries were conducted by the Treasury and Justice Departments into the handling of a 51-day stand-off between federal agents and members of an armed religious cult, the Branch Davidians, in Waco, Texas, which ended in a fire in which 75 cult members died, 25 of them children. Concerns were raised, among other things, about the use of CS gas which Federal Bureau of Investigation (FBI) agents pumped into the Branch Davidian compound for several hours during the final assault in April. The Treasury's report published in October was critical of the initial raid on the compound conducted by the Bureau of Alcohol, Tobacco and Firearms, in which several cult members and four federal agents were killed; however, the Justice Department cleared the FBI of any blame for events during the siege and the final assault on the compound. Murder and conspiracy charges were pending against several surviving cult members at the end of the year.

In May the Justice Department began an investigation into more than 40 deaths in jails in Mississippi between 1987 and 1993. This followed hearings in Mississippi in April in which civil rights groups questioned the state rulings of suicide in all cases, alleging that some of the deaths were suspicious and accusing jail officials of abusing inmates. Cases raised at the hearings included that of Andre Jones, a black youth found hanged in August 1992 (see *Amnesty International Report 1993*).

In December the Justice Department called for the closure of four Mississippi jails as a result of its investigation, and condemned substandard conditions in others that violated the Constitution. The Justice Department was still investigating the inmates' suicides at the end of the year.

There were allegations of gross medical neglect amounting to ill-treatment in the case of Steven Armstrong who died in the Moberly Correctional Centre, Missouri, in August. Several inmates alleged that the prisoner was left naked and without medication in a stripped punishment cell while suffering repeated epileptic seizures. Although health care management at the prison had changed since 1992, there had been previous deaths and allegations of inadequate health care at the institution. At the end of 1993 the prison's health care services were still investigating Steven Armstrong's medical care.

Hearings began in September in a civil suit brought by inmates of Pelican Bay Prison, a maximum security prison in California. The prisoners alleged a pattern of cruel treatment, including excessive use of force, sensory deprivation and denial of adequate medical and psychiatric care (see *Amnesty International Report 1993*). The trial ended in December and judgment was pending at the end of 1993.

The US Justice Department opened an investigation into the alleged widespread sexual abuse by guards of inmates at the Georgia Women's Correctional Institution (GWCI). The abuses, which reportedly continued until they were exposed in a lawsuit in 1992, included coercion of inmates into having sex with guards, forcing inmates into guard-run prostitution rings, and enforced abortions. Charges of rape and other sexual offences were pending against at least 12 employees and others had been dismissed from their jobs or transferred by the end of the year.

Damages were paid to six former inmates of the women's prison in Maryville, Ohio, who had been sexually abused by prison employees in previous years.

In July the Eighth Circuit Court of Appeals rejected an appeal by Leonard Peltier, a leader of the American Indian Movement convicted of the murder of two FBI agents in 1977. His appeal had argued that the prosecution had conceded since his trial that it did not know who had killed the agents and had changed its theory, put forward at trial, that Leonard Peltier had actually committed the killings. Other irregularities were also alleged (see previous *Amnesty International Reports*).

In June the US Supreme Court upheld the policy initiated by President George Bush in May 1992, and subsequently continued under President Bill Clinton, of forcibly returning all Haitians intercepted at sea outside US territorial waters to Haiti (see *Amnesty International Report 1993*).

Amnesty International made numerous appeals on behalf of prisoners sentenced to death, urging clemency in all cases. It condemned the execution of juvenile offenders and urged the Clinton administration to withdraw the US Government's reservation to Article 6 of the International Covenant on Civil and Political Rights – one of a series of international treaty provisions which prohibit the execution of juveniles.

Amnesty International also expressed concern about evidence of racial discrimination in the imposition of the death penalty in juvenile cases in Texas: seven of the eight juvenile offenders on the state's death row at the end of the year were black or of Latin American origin, and there was marked evidence in some judicial circuits of gross racial disparities in the sentencing of young offenders.

The organization also criticized the US Supreme Court's ruling in the case of Leonel Herrera (see above).

In April Amnesty International wrote to the US Attorney General about the Waco, Texas, incident. The organization expressed concern about the use of CS gas, which it pointed out could be lethal if used in massive quantities in occupied areas. It called for official inquiries to examine whether the action taken by law enforcement officials was in line with international standards, including the UN Code of Conduct for Law Enforcement Officials.

In June Amnesty International wrote to the US Justice Department welcoming its decision to investigate the alleged suicides in Mississippi jails, and referring to concerns it had raised in 1991 about alleged assaults of inmates at the Harrison County Jail, Mississippi.

Amnesty International wrote to the authorities about other allegations of ill-treatment in police custody or prisons, including the death of Johnnie Cromartie in New York; the allegations of medical neglect at the Moberly Correctional Centre in Missouri; and the alleged long-standing sexual abuse of inmates at the CWCI.

In February Amnesty International told the Justice Department it remained concerned by abuses of some inmates at the Montana State Penitentiary during the quelling by guards of a riot in September 1991 (see *Amnesty International Report 1993*). A number of Native Americans were among those allegedly ill-treated.

Amnesty International wrote to the California authorities about its concerns in the case of Geronimo ji Jaga Pratt, a former leader of the Black Panther Party serving a life sentence in California (see previous *Amnesty International Reports*).

In June Amnesty International wrote to the Governor of Illinois to inquire about alleged irregularities in the manner in which Manuel Salazar, a US citizen of Mexican origin, was returned from Mexico to stand trial on a capital charge in the USA, where he was subsequently sentenced to death. The organization was still seeking clarification at the end of the year.

In recommendations to the Executive Committee of the UN High Commissioner for Refugees, Amnesty International expressed concern about the US policy of forcibly returning all Haitian asylum-seekers directly to their country, without the possibility of having their cases heard.

URUGUAY

There were new cases of ill-treatment of detainees and prisoners, including children held in a remand prison. A man was shot dead by police on arrest. Three members of a former armed opposition group were killed in suspicious circumstances. The authorities again failed to take any steps to clarify the fate of those who "disappeared" during the period of military rule or to bring to justice those responsible for human rights violations at that time.

In June the Head of Military Intelligence was transferred from his post following allegations that military personnel had been responsible for the abduction in 1992 and possible "disappearance" of Eugenio Berrios, a former Chilean military agent who left Chile in 1991 when summoned to appear in court in connection with the 1976 killing of former Chilean Foreign Minister Orlando Letelier. Although investigations were opened before the civilian courts, at the end of the year the whereabouts of Eugenio Berrios had not been clarified.

Ill-treatment by police appeared to be frequent in poor areas of the capital, Montevideo, and other cities. A young man detained in March in the 3rd District police station of Montevideo was tortured with electric prods to make him confess to 14 counts of robbery. A judge confirmed the injuries and two electric prods were seized from the police station. Four police officers were later charged with abuse of authority and with inflicting injuries.

In other cases, those responsible for torture or ill-treatment were not brought to justice. In January a disabled man suffered a fractured jaw after reportedly being beaten and subjected to a mock execution at the 4th District police station in the department of Canelones. In August in the Police Headquarters in Montevideo, a young man was allegedly hooded, beaten and tortured with electric shocks in order to make him confess to a theft: on his release, a policeman warned him against reporting the incident.

There were reports of ill-treatment of prisoners in *Libertad* maximum security prison, near Montevideo. Judges from the Supreme Court who visited the prison in June and July reported that conditions were deplorable and provided forensic evidence of beatings of prisoners which was submitted to the Minister of the Interior. Similar information was given to the parliamentary Human Rights Commission by a group of public defence lawyers and also in a report published in August by a non-governmental working group established to study the country's prison system.

Judicial investigations were initiated after allegations that in March children

COUNTRIES AND TERRITORIES WITHOUT SECTIONS BUT WHERE LOCAL AMNESTY INTERNATIONAL GROUPS EXIST OR ARE BEING FORMED

Albania
Armenia
Aruba
Bahamas
Benin
Bolivia
Bulgaria
Cameroon
Central African Republic
Chad
Costa Rica
Croatia
Curaçao
Czech Republic
Dominican Republic
Egypt
Estonia
Fiji
Gambia
Gaza Strip and West Bank
Georgia
Grenada
Hungary
Jamaica
Jordan
Kazakhstan
Kuwait
Kyrgyzstan
Lesotho
Lithuania
Macau
Malaysia
Mali
Malta
Moldova
Mongolia
Pakistan
Papua New Guinea
Paraguay
Poland
Romania
Russia
Singapore
Slovakia
Slovenia
South Africa
Taiwan
Thailand
Togo
Ukraine
Yemen
Zambia
Zimbabwe

Amnesty International groups in Sudan have ceased activities following the banning of all political parties, trade unions and non-governmental organizations including the Sudanese Amnesty International Organization, under which the Sudanese groups were officially registered in Sudan.

APPENDIX V

INTERNATIONAL EXECUTIVE COMMITTEE

Ross Daniels/Australia
Celso Garbarz/Israel
Liz Jenkins/United Kingdom
Menno Kamminga/Netherlands
Mardi Mapa-Suplido/Philippines
Gerry O'Connell/Italy
Marie Staunton/United Kingdom
Tracy Ulltveit-Moe/International Secretariat
Susan Waltz/United States of America

SELECTED INTERNATIONAL HUMAN RIGHTS TREATIES

States which have ratified or acceded to a convention are party to the treaty and are bound to observe its provisions. States which have signed but not yet ratified have expressed their intention to become a party at some future date; meanwhile they are obliged to refrain from acts which would defeat the object and purpose of the treaty.

(AS OF 31 DECEMBER 1993)

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Afghanistan	x			x	x(28)		
Albania	x			x		x	x
Algeria	x	x		x	x(22)	x	x
Andorra							
Angola	x	x		x		x	x
Antigua and Barbuda					x*		
Argentina	x	x		x	x(22)	x	x
Armenia	x*	x*		x*	x*	x*	x*
Australia	x	x	x	x	x(22)	x	x
Austria	x	x	x*	x	x(22)	x	x
Azerbaydzhan	x			x		x*	x*
Bahamas						x*	x*
Bahrain							
Bangladesh							
Barbados	x	[illegible]		x			
Belarus	x	x		x	x(28)		

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	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Belgium	x		s	x	s	x	x
Belize					x	x	x
Benin							
Bhutan							
Bolivia							
Bosnia-Herzegovina	x*			x*	x*	x*	x*
Botswana							
Brazil	x			x	x	x	x
Brunei Darussalam							
Bulgaria	x	x		x	x(22)(28)	x*	x*
Burkina Faso							
Burundi	x			x	x*	x	x
Cambodia							
Cameroon	x	x		x	x	x	x
Canada							
Cape Verde	x*			x*	x		x
Central African Republic	x	x					
Chad						x	x
Chile		x					
China					x(28)	x	x
Colombia							
Comoros							
Congo							
Costa Rica	x	x	s	x	x*	x	x

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Côte d'Ivoire	x			x		x	x
Croatia	x			x	x	x	x
Cuba					s		
Cyprus	x	x		x	x(22)	x	x
Czech Republic	x*	x*		x*	x*	x*	x*
Denmark	x	x	s	x	x(22)	x	x
Djibouti						x	x
Dominica	x*			x*			
Dominican Republic	x	x		x	s	x	x
Ecuador	x	x	x*	x	x(22)	x	x
Egypt	x			x	x	x	x
El Salvador	x	s		x		x	x
Equatorial Guinea	x	x		x		x	x
Eritrea							
Estonia	x	x			x		
Ethiopia	x*			x*		x	x
Fiji						x	
Finland	x	x	x	x	x(22)	x	x
France	x	x			x(22)		
Gabon	x			x	s	x	x
Gambia	x	x					
Georgia							
Germany	x	x*					
Ghana						x	x

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	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Greece				x	x(22)	x	x
Grenada	x			x			
Guatemala	x			x	x		
Guinea	x	x*		x	x	x	x
Guinea-Bissau				x		x	x
Guyana	x	x*		x	x		
Haiti	x					x	x
Holy See						x	x
Honduras	s	s	s	x		x	x
Hungary	x	x		x	x(22)	x	x
Iceland	x	x	x	x	s	x	x
India	x			x			
Indonesia					s		
Iran (Islamic Republic of)	x			x		x	x
Iraq	x			x			
Ireland	x	x	x*	x	s	x	x
Israel	x			x	x(28)	x	x
Italy	x	x	s	x	x(22)	x	x
Jamaica	x	x		x		x	x
Japan	x			x		x	x
Jordan	x			x	x		
Kazakhstan							
Kenya	x			x		x	x
Korea (Democratic People's Republic)	x			x			

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Korea (Republic of)	x	x		x		x	x
Kuwait							
Kyrgyzstan							
Lao People's Democratic Republic							
Latvia	x			x	x		
Lebanon	x			x			
Lesotho	x			x		x	x
Liberia	s			s		x	x
Libyan Arab Jamahiriya	x	x		x	x		
Liechtenstein					x(22)	x	x
Lithuania	x	x		x			
Luxembourg	x	x	x	x	x(22)	x	x
Macedonia (the former Yugoslav Republic of)							
Madagascar	x	x		x		x	
Malawi	x*			x*		x	x
Malaysia							
Maldives							
Mali	x			x		x	x
Malta	x	x		x	x(22)	x	x
Marshall Islands							
Mauritania						x	x
Mauritius	x	x		x	x		
Mexico	x			x	x		
Micronesia (Federated States of)							

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Moldova	x*			x*			
Monaco					x(22)	x	
Mongolia	x	x		x			
Morocco	x			x	x*(28)	x	x
Mozambique	x*		x*			x	x
Myanmar (Burma)							
Namibia							
Nauru							
Nepal	x	x		x	x		
Netherlands	x	x	x	x	x(22)	x	x
New Zealand	x	x	x	x	x(22)	x	x
Nicaragua	x	x	s	x	s	x	x
Niger	x	x		x		x	x
Nigeria	x*			x*	s	x	x
Norway	x	x	x	x	x(22)	x	x
Oman							
Pakistan							
Panama	x	x	x*	x	x	x	x
Papua New Guinea						x	x
Paraguay	x			x	x	x	x
Peru	x	x		x	x	x	x
Philippines	x	x		x	x	x	x
Poland	x	x		x	x(22)	x	x
Portugal	x	x	x	x	x(22)	x	x

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Qatar							
Romania	x	x*	x	x	x	x	x
Russian Federation	x	x		x	x(22)	x*	x*
Rwanda	x			x		x	x
St Christopher and Nevis							
St Lucia							
St Vincent and the Grenadines	x	x		x		x*	
Samoa						x	
San Marino	x	x		x			
São Tomé and Príncipe						x	x
Saudi Arabia							
Senegal	x	x		x	x	x	x
Seychelles	x	x		x	x	x	x
Sierra Leone					s	x	x
Singapore							
Slovakia	x*	x*		x*	x*	x*	x*
Slovenia	x	x*	s*	x	x(22)*	x	x
Solomon Islands				x			
Somalia	x	x		x	x	x	x
South Africa					s*		
Spain	x	x	x	x	x(22)	x	x
Sri Lanka	x			x			
Sudan	x			x	s	x	x
Suriname	x	x		x		x	x

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	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Swaziland							x
Sweden	x	x	x	x	x(22)	x	x
Switzerland	x			x	x(22)	x	x
Syrian Arab Republic	x			x			
Tadzhikistan						x*	x*
Tanzania	x			x		x	x
Thailand							
Togo	x	x		x	x(22)	x	x
Tonga							
Trinidad and Tobago	x	x		x			
Tunisia	x			x	x(22)	x	x
Turkey					x(22)	x	x
Turkmenistan							
Uganda				x	x	x	x
Ukraine	x	x		x	x(28)		
United Arab Emirates							
United Kingdom	x			x	x	x	x
United States of America	x			s	s		x
Uruguay	x	x	x*	x	x(22)	x	x
Uzbekistan							
Vanuatu							
Venezuela	x	x	x*	x	x		x
Viet Nam	x			x			
Yemen	x			x	x	x	x

	International Covenant on Civil and Political Rights (ICCPR)	Optional Protocol to ICCPR	Second Optional Protocol to ICCPR aiming at the abolition of the death penalty	International Covenant on Economic, Social and Cultural Rights (ICESCR)	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Convention relating to the Status of Refugees (1951)	Protocol relating to the Status of Refugees (1967)
Yugoslavia (Federal Republic of)	x	s		x	x(22)	x	x
Zaire	x	x		x		x	x
Zambia	x	x		x		x	x
Zimbabwe	x			x		x	x

s – denotes that country has signed but not yet ratified

x – denotes that country is a party, either through ratification, accession or succession

* – denotes that country either signed or became a party in 1993

(22) denotes Declaration under Article 22 recognizing the competence of the Committee against Torture to consider individual complaints of violations of the Convention

(28) denotes that country has made a reservation under Article 28 that it does not recognize the competence of the Committee against Torture to examine reliable information which appears to indicate that torture is being systematically practised, and to undertake a confidential inquiry if warranted

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44/128. *Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty*

Date: 15 December 1989 Meeting: 82
Vote: 59-26-48 (recorded) Report: A/44/824

The General Assembly,

Recalling article 3 of the Universal Declaration of Human Rights adopted in its resolution 217 A (III) of 10 December 1948,

Recalling also article 6 of the International Covenant on Civil and Political Rights adopted in its resolution 2200 A (XXI) of 16 December 1966,

Mindful of its decision 35/437 of 15 December 1980, reaffirmed in its resolution 36/59 of 25 November 1981, to consider the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Mindful also of its resolution 37/192 of 18 December 1982, in which it requested the Commission on Human Rights to consider this idea and its resolution 39/137 of 14 December 1984, in which it requested the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider further the idea of elaborating a draft of a second optional protocol,

Taking note of the comparative analysis prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, [182]

Taking note also of the views expressed by Governments in favour of and against the death penalty and of their comments and observations regarding such a second optional protocol, as reproduced in the relevant reports of the Secretary-General, [183]

Referring to its decision 42/421 of 7 December 1987, Commission on Human Rights resolution 1989/25 of 6 March 1989 and Economic and Social Council decision 1989/139 of 24 May 1989, [184] by which the comparative analysis and the draft second optional protocol were transmitted to the General Assembly for suitable action,

Wishing to give States parties to the International Covenant on Civil and Political Rights that choose to do so the opportunity to become parties to a second optional protocol to that convention,

Having considered the draft second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, which was prepared by the Special Rapporteur,

1. *Expresses its appreciation* for the work achieved by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. *Adopts* and opens for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, contained in the annex to the present resolution;

3. *Calls upon* all Governments in a position to do so to consider signing and ratifying or acceding to the Second Optional Protocol.

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[182] E/CN.4/Sub.2/1987/20.

[183] A/36/441 and Add.1 and 2, A/37/407 and Add.1, A/44/592 and Add.1.

[184] See *Official Records of the Economic and Social Council, 1989, Supplement No. 2* (E/1989/20), chap. II, sect. A.

ANNEX

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

The States parties to the present Protocol,

Believing that abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights,

Recalling article 3 of the Universal Declaration of Human Rights 185/ adopted on 10 December 1948 and article 6 of the International Covenant on Civil and Political Rights 186/ adopted on 16 December 1966,

Noting that article 6 of the International Covenant on Civil and Political Rights refers to abolition of the death penalty in terms that strongly suggest that abolition is desirable,

Convinced that all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life,

Desirous to undertake hereby an international commitment to abolish the death penalty,

Have agreed as follows:

Article 1

1. No one within the jurisdiction of a State party to the present Optional Protocol shall be executed.

2. Each State party shall take all necessary measures to abolish the death penalty within its jurisdiction.

Article 2

1. No reservation is admissible to the present Protocol, except for a reservation made at the time of ratification or accession that provides for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.

2. The State party making such a reservation shall at the time of ratification or accession communicate to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime.

3. The State party having made such a reservation shall notify the Secretary-General of the United Nations of any beginning or ending of a state of war applicable to its territory.

Article 3

The States parties to the present Protocol shall include in the reports they submit to the Human Rights Committee, in accordance with article 40 of the Covenant, information on the measures that they have adopted to give effect to the present Protocol.

Article 4

With respect to the States parties to the Covenant that have made a declaration under article 41, the competence of the Human Rights Committee to receive and consider communications when a State party claims that another State party is not fulfilling its obligations shall extend to the provisions of the present Protocol, unless the State party concerned has made a statement to the contrary at the moment of ratification or accession.

185/ Resolution 217 A (III).

186/ See resolution 2200 A (XXI), annex.

Article 5

With respect to the States parties to the (First) Optional Protocol to the International Covenant on Civil and Political Rights adopted on 16 December 1966, the competence of the Human Rights Committee to receive and consider communications from individuals subject to its jurisdiction shall extend to the provisions of the present Protocol, unless the State party concerned has made a statement to the contrary at the moment of ratification or accession.

Article 6

1. The provisions of the present Protocol shall apply as additional provisions to the Covenant.

2. Without prejudice to the possibility of a reservation under article 2 of the present Protocol, the right guaranteed in article 1, paragraph 1, of the present Protocol shall not be subject to any derogation under article 4 of the Covenant.

Article 7

1. The present Protocol is open for signature by any State that has signed the Covenant.

2. The present Protocol is subject to ratification by any State that has ratified the Covenant or acceded to it. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State that has ratified the Covenant or acceded to it.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 8

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 9

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 10

The Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

(a) Reservations, communications and notifications under article 2 of the present Protocol;

(b) Statements made under its articles 4 or 5;

(c) Signatures, ratifications and accessions under its article 7;

(d) The date of the entry into force of the present Protocol under its article 8.

Article 11

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

RECORDED VOTE ON RESOLUTION 44/128:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Byelorussia, Canada, Cape Verde, Colombia, Costa Rica, Cyprus, Czechoslovakia, Democratic Kampuchea, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, German Democratic Republic, Federal Republic of Germany, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Luxembourg, Malta, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines*, Samoa, Spain, Sweden, Togo, Ukraine, USSR, United Kingdom, Uruguay, Venezuela, Yugoslavia.

Against: Afghanistan, Bahrain, Bangladesh, Cameroon, China, Djibouti, Egypt, Indonesia, Iran, Iraq, Japan, Jordan, Kuwait, Maldives, Morocco, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Sierra Leone, Somalia, Syria, United Republic of Tanzania, United States, Yemen.

Abstaining: Algeria, Antigua and Barbuda, Bahamas, Barbados, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Chile, Congo, Cote d'Ivoire, Cuba, Democratic Yemen, Dominica, Ethiopia, Fiji, Gambia, Ghana, Guinea, Guyana, India, Israel, Jamaica, Kenya, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritius, Mozambique, Myanmar, Romania, Rwanda, Senegal, Singapore, Solomon Islands, Sri Lanka, Suriname, Trinidad and Tobago, Turkey, Uganda, Vanuatu, Zambia, Zimbabwe.

Absent: Albania, Angola, Belize, Benin, Central African Republic, Chad, Comoros, Equatorial Guinea, Gabon, Guinea-Bissau, Lao People's Democratic Republic, Malaysia**, Mauritania, Nicaragua***, Niger, Papua New Guinea, Sao Tome and Principe, Seychelles, Sudan**, Swaziland, Thailand, Tunisia, United Arab Emirates, Viet Nam, Zaire.

44/129. International Covenants on Human Rights

Date: 15 December 1989	Meeting: 82
Adopted without a vote	Report: A/44/824

The General Assembly,

Recalling its resolutions 33/51 of 14 December 1978, 34/45 of 23 November 1979, 35/132 of 11 December 1980, 36/58 of 25 November 1981, 37/191 of 18 December 1982, 38/116 and 38/117 of 16 December 1983, 39/136 and 39/138 of 14 December 1984, 40/115 and 40/116 of 13 December 1985, 41/32 of 3 November 1986, 41/119 and 41/121 of 4 December 1986, 42/103 and 42/105 of 7 December 1987 and 43/114 of 8 December 1988 and the general comments adopted by the Human Rights Committee under article 40, paragraph 4, of the International Covenant on Civil and Political Rights at its 891st meeting, on 5 April 1989, 187/

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* Later advised the Secretariat that it had intended to abstain.

** Later advised the Secretariat that it had intended to vote against.

*** Later advised the Secretariat that it had intended to vote in favour.

187/ *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 40* (A/44/40), annex VI.

HUMAN RIGHTS AND CHINA

Excerpts from the 34-page U.S. State Department "Country Reports on Human Rights"

On human rights compliance by China;
issued February 1, 1994.

"Fundamental human rights provided for in the [Chinese] Constitution are frequently ignored in practice, and challenges to the Communist Party's political authority are often dealt with harshly and arbitrarily."

"Security forces...are responsible for widespread and well-documented human rights abuses, including torture, forced confessions, and arbitrary detentions."

"The [Chinese] Government still has not provided a full or public accounting of the thousands of persons detained during the suppression of the 1989 democracy movement..."

"[T]he Government's overall human rights record in 1993 fell far short of internationally accepted norms as it continued to repress domestic critics and failed to control abuses by its own security forces."

"In 1993 hundreds, perhaps thousands, of political prisoners remained under detention or in prison. Physical abuse, including torture by police and prison officials persisted, especially in politically restive regions with minority populations like Tibet. Criminal defendants continue to be denied legal safeguards such as due process or adequate defense. In many localities, government authorities continued to harass and occasionally detain Christians who practiced their religion outside the officially sponsored religious organizations."

"There were accounts of extrajudicial killings by government officials in 1993."

"Persons appearing before a court are not presumed innocent; despite official denials, trials are essentially sentencing hearings." "Details of cases involving 'counterrevolutionary' charges...have frequently been kept secret, even from defendants' relatives."

"The 1982 Constitution states that 'freedom and privacy of correspondence of citizens...are protected by law, but...[I]n practice, some telephone conversations are recorded, and mail is frequently opened and censored."

"Disciplinary measures against those who violate the [one child per family] policy include stiff fines, withholding of social services, demotion, and other administrative punishments, including, in some instances, loss of employment."

-continued-

Excerpts from the 34-page U.S. State Department
"Country Reports on Human Rights"

"Chinese officials acknowledge privately that there are still instances of forced abortions and sterilizations in remote, rural areas." "[R]egulations with eugenics provisions ... seek to prevent people with severe mental handicaps from having children."

"[M]ost women employed in industry work in lower skilled and lower paid jobs."

"Citizens are not permitted to publish or broadcast criticism of senior leaders or opinions that contradict basic Communist Party doctrine..."

"China does not...grant refugee status and...has generally repatriated persons of other nationalities seeking to be recognized as refugees."

"Citizens vote directly only for county-level people's congress delegates." "The [Chinese] Constitution was amended in 1993 to ratify the existence of small 'democratic' parties, but these play only a minor consultative role at most, and all pledge allegiance to the Communist Party."

"[E]thnic minorities are effectively shut out of most positions of real political and decisionmaking power."

"There are no independent Chinese organizations that publicly monitor or comment on human rights conditions in China. Public criticism of the Government's human rights record can be interpreted as 'counter-revolutionary' activity and punished accordingly."

"China remains reluctant to accept criticism of its human rights situation by other nations or international organizations. By and large, Chinese officials continue to insist that criticism of China's human rights practices constitutes interference in China's internal affairs...and that external intervention on human rights issues constitutes interference with its sovereignty."

1995 U.S. State Department Human Rights Report
[China Section]
February 1995

CHINA

The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) monopolizes decisionmaking authority. Almost all top civilian, police, and military positions at the national and regional levels are held by party members. A 22-member Politburo and retired senior leaders hold ultimate power, but economic decentralization has increased the authority of regional officials. Socialism continues to provide the ideological underpinning, but Marxist ideology has given way to pragmatism in recent years. The party's authority rests primarily on the success of economic reform, its ability to maintain stability, and control of the security apparatus.

The security apparatus comprises the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army, and the state judicial, procuratorial, and penal systems. The Constitution protects fundamental human rights, but they are frequently ignored in practice, and challenges to the CCP's political authority are often dealt with harshly and arbitrarily. Legal safeguards for those detained or imprisoned are inadequate and inconsistently implemented. The Government attaches higher priority to maintaining public order and suppressing political opposition than to enforcing legal norms. As a result, security forces are responsible for numerous human rights abuses, including arbitrary detention, forced confessions, and torture.

More than a decade of rapid economic growth has raised living standards and enabled growing numbers of Chinese to assume greater control over their own lives. The scope for private economic activity has expanded rapidly, and the degree of government and party control over the economy has continued to decline. Although many details remain to be worked out, and the pace of privatization has been uneven, many elements of the old planned economy have already been dismantled. Income disparities between coastal regions and the interior are significant and growing, but overall there has been a sharp drop in the number of Chinese living in absolute poverty. Greater disposable income, looser ideological controls, and freer access to outside sources of information have led to more diversity in cultural life and media reporting. Government control of information media now depends to an increasing extent on self-censorship to regulate political and social content, but the authorities also consistently penalize those who exceed the permissible.

CHINA

In 1994 there continued to be widespread and well-documented human rights abuses in China, in violation of internationally accepted norms, stemming both from the authorities' intolerance of dissent and the inadequacy of legal safeguards for freedom of speech, association, and religion. Abuses include arbitrary and lengthy incommunicado detention, torture, and mistreatment of prisoners. Despite a reduction during the year in the number of political detainees from the immediate post-Tiananmen period, hundreds, perhaps thousands, of other prisoners of conscience remain imprisoned or detained. The Government still has not provided a comprehensive, credible public accounting of all those missing or detained in connection with the suppression of the 1989 demonstrations. Chinese leaders moved swiftly to cut off organized expressions of protest or criticism and detained government critics, including those advocating greater worker rights. Citizens have no ability peacefully to change their government leaders or the form of government. Criminal defendants are denied basic legal safeguards such as due process or adequate defense. The regime continued severe restrictions on the freedoms of speech, press, assembly and association, and tightened controls on the exercise of these rights during 1994. Serious human rights abuses persisted in Tibet and other areas populated by ethnic minorities.

The human rights situation in 1994 was, however, marked by the same diversity that characterizes other aspects of Chinese life. In several instances, the Government acted to bring its behavior into conformity with internationally accepted human rights norms. These actions included releasing several prominent political and religious prisoners, granting passports to some critics of the regime and their relatives, and adopting a law, which became effective in January 1995, that allows citizens to recover damages from the Government for infringement of their rights. The Government continued to acknowledge the need to implement the rule of law and build the necessary legal and other institutions, but it has not yet significantly mitigated continuing repression of political dissent. In 1994 China also continued a human rights dialog with some foreign critics, and reaffirmed its adherence to the Universal Declaration of Human Rights. Chinese officials provided limited information about the status of several hundred specific cases of international concern.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

It is impossible to determine the number of extrajudicial killings by government officials in 1994 or the adequacy of the government response, since the Government restricts access to such information. There were individual accounts of such killings, including some carried in the Chinese press. Credible reports from international human rights organizations indicate a Tibetan nun died on June 4 in a prison hospital, reportedly as a result of a beating by guards. In May Tibetan officials reported that a former public security official in Tibet was sentenced to 9 years for causing the death of a suspect while torturing him to obtain a confession. In Fujian, a public security official was also prosecuted for torturing a prisoner to death, but no details on his sentence were provided. In December the Chinese press reported that a city police chief in Shanxi province was sentenced to 5 years for malpractice after ordering the detention and beating of two Chinese for allegedly complaining about the police chief's son. One detainee died from his injuries. Two other police officials were sentenced to death and life imprisonment, respectively, for extorting a confession in the same case. Legislators in Guangdong province also reported two cases of death by torture, but there were no details on the disposition of the cases.

b. Disappearance

There were no reported cases in 1994 in which individuals who disappeared were suspected to have been killed by officials. The Government still has not provided a comprehensive, credible public accounting of all those missing or detained in connection with the suppression of the 1989 Tiananmen demonstrations.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Police and other elements of the security apparatus continue to employ torture and degrading treatment in dealing with detained and imprisoned persons. Both official Chinese sources and international human rights groups reported many instances of torture. Persons detained pending trial were particularly at risk as a result of government failure to correct obvious systemic weaknesses in the design and operation of the legal system. These weaknesses include a reliance on confessions as a basis for convictions and the lack of access to prisoners by legal counsel and family members until after formal charges are brought, a step which often takes months. Former detainees have credibly reported that officials used cattle prods, electrodes, prolonged periods of solitary confinement and incommunicado detention, beatings, shackles, and other forms of abuse against detained men and women. There are credible reports that some women detainees in Tibet have been tortured, but female prisoners do not appear to have been targeted for rape.

In March the Supreme People's Procuratorate reported it had investigated 378 cases where torture was used to extract confessions in 1993, but it provided no information on convictions or punishments. The number of actual incidents of torture and ill-treatment by government officials is almost certainly far greater than this number. In one case, a policeman was given a 1-year suspended sentence for beating Yan Zhengxue, an artist who was also a municipal people's congress deputy from Jiaojiang in Zhejiang province. In May legislators in Guangdong province identified 838 cases of police corruption and brutality, but Chinese press accounts reported that only 50 of the cases had been "corrected." According to Chinese officials, the Procuratorate has a total of 748 officials in China's jails, "reform through labor," and "reeducation through labor" facilities. Their responsibility is to supervise prison management and enforce laws on treatment of prisoners. Procuratorial offices or officers are assigned to approximately 94 percent of prisons and labor camps. Another 7,000 officials are responsible for supervising China's detention centers.

In January Justice Minister Xiao Yang announced plans to modernize 80 percent of China's prisons and reform through labor facilities by the year 2000. Conditions in Chinese penal institutions are generally harsh and frequently degrading, and nutritional and health conditions are sometimes grim. Adequate medical care for prisoners continues to be a problem, despite official assurances that prisoners have the right to prompt medical treatment if they become ill. In 1994 political prisoners who reportedly had difficulties in obtaining timely and adequate medical care included Bao Tong, Ren Wanding, and Qin Yongmin. Wang Juntao was allowed to go to the United States for medical treatment in April, and Chen Ziming was released on medical parole in May, although he remains at home under heavy surveillance.

Conditions of imprisonment for political prisoners vary widely. According to credible reports, some detained dissidents continue to be incarcerated in psychiatric institutions and treated with drugs. Dissidents such as Wang Wanxing, Wang Miaogen (who had chopped off four of his fingers in a protest in 1993 over alleged persecution), and Xing Jiandong are reportedly being held in mental hospitals in Beijing and Shanghai. However, the lack of independent outside access to such persons made it impossible to verify their diagnoses or medical treatment or the conditions under which they are being held.

Political prisoners are also often incarcerated with common criminals. Chinese press reports claimed that Zheng Musheng, a Christian, was beaten to death by fellow inmates, who were then arrested. His widow filed suit against local public security officials after Zheng died in custody in early 1994. Unspecified "action" was taken against prison supervisory personnel. There were credible reports that dissident Qin Yongmin was severely beaten twice by fellow inmates in a reeducation through labor facility in June. According to these reports, he failed to receive adequate medical care after the beatings.

China does not permit independent monitoring of prison conditions. The Procuratorate, charged with law enforcement in the corrections system, reported 39,342 law violations in prisons, 17,823 of which were corrected. China held two rounds of talks with the International Committee of the Red Cross in January and April to discuss access to prisoners, but no agreement was reached. In February five American journalists were permitted to visit a Liaoning labor camp where political prisoner Liu Gang is held. The journalists saw Liu through a window but were not allowed to interview him. Reports persist that Liu suffers ill health as a result of beatings and other mistreatment, although Chinese officials have denied these allegations. In February a member of the China Human Rights Society, an organization established primarily to study and defend China's human rights record, was allowed to meet Liu and review his medical records in an attempt to refute reports that he had been mistreated.

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d. Arbitrary Arrest, Detention, or Exile

Because the Government tightly controls information, it is impossible to estimate accurately the total number of people subjected to new or continued arbitrary arrest or detention. According to one Chinese media report from 1992, authorities have carried out close to 1 million detentions annually in recent years under a form of detention known as "shelter for investigation." They released some people without charge after several days or weeks. In some cases, they charged dissidents with "disturbing public order" or "causing social turmoil" and sentenced them to 1 to 3 years of detention without independent judicial review (see Section 1.e.).

Under China's Criminal Procedure Law, officials may hold detainees for up to 10 days before a formal arrest warrant must be approved by the Procuratorate; they must notify the detainee's family or work unit within 24 hours. Exceptions to these provisions include the sweeping provision that notification may be withheld if it would "hinder the investigation" of a case. On May 12, the Government issued revised public order regulations setting out penalties for social groups that fail to register with the proper authorities or for persons on parole or deprived of political rights who "violate regulations," as well as for several other offenses. With some exceptions, violators can be detained for up to 15 days and fined about $23 (RMB200). In 1994 authorities detained dissidents before high-level visits of foreign leaders, but it is not clear whether the new public order regulations were the basis for these detentions. Most of those detained were released shortly after the visits ended. Others were held for longer periods or detained formally.

In practice, authorities often disregard or circumvent limits on detention by using regulations on "taking in for shelter and investigation," "supervised residence," and other methods not requiring procuratorial approval. Dissident Wei Jingsheng has been held incommunicado in supervised residence since April 1. Credible reports indicate that police detained several other political activists, including Dai Xuezhong, Xiao Biguang, Zhou Qianbing, and Zhu Fuming, for months without filing charges against them. Wang Dan and others were also detained briefly without charge several times during 1994.

Local officials and business leaders frequently conspire to use detentions as a means of exerting pressure in commercial disputes; cases in some areas have reportedly increased 50 percent over 1993. Authorities held Hong Kong businessman Chong Kwee-Sung for 30 months in Henan while his case was being "investigated," then released him in February without charges being filed. Australian businessman James Peng was kidnaped by public security officials in Macao and brought to China, where he was held for several months before being tried in November. Chinese officials said his detention was legal because it was approved by the National People's Congress Standing Committee, which has apparently not been the case in other commercial dispute cases.

In March Procurator General Zhang Siying reported on the problem of prisoners kept in prison past their release dates, noting that 34,432 of 73,416 such cases had been corrected. The legality of detentions can be challenged under the Administrative Procedure Law, but since detainees do not have access to lawyers, they have been unable to use this law to obtain prompt judicial determination of the legality of their detentions. The new State Compensation Law, passed in May, clarified the right of citizens to recover damages for illegal detentions. Even before the law took effect on January 1, 1995, the Chinese press reported a decision by a Beijing lower court awarding damages to a law professor who was illegally detained and beaten by public security officials in May. In June a Fujian court awarded damages in a case of illegal "taking in for shelter and investigation." There is no judicially supervised system of bail, but at the discretion of public security officials, some detainees are released pending further investigation.

e. Denial of Fair Public Trial

According to the Constitution, the court system is equal in authority to the State Council and the Central Military Commission, the two most important government institutions. All three organs are nominally under the supervision of the National People's Congress (NPC). The Supreme People's Court stands at the apex of the court system, followed in descending order by the higher, intermediate, and basic people's courts. Judges are appointed by the people's congresses at the corresponding level. There are special courts for handling military, maritime, and railway transport cases.

Officials insist that China's judiciary is independent but acknowledge that it is subject to the Communist Party's policy guidance. In practice, party and government leaders use a variety of means to influence court verdicts and sentences.

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Corruption and conflicts of interest also affect judicial decisionmaking. In March Supreme Court officials acknowledged problems with local protectionism and failure to conduct fair trials, particularly in economic disputes. The Chinese press publicized a 1993 economic case in which the court told the parties the decision was already written before the parties had finished producing their evidence.

In practice, officials often ignore due process rights granted by the Constitution. Both before and after trial, prisoners are subjected to severe psychological pressure to confess their "errors." Defendants who fail to "show the right attitude" by confessing their crimes are typically sentenced more harshly. Persons appearing before a court are not presumed innocent; despite official denials, trials are essentially sentencing hearings. Confessions without corroborating evidence are insufficient for a conviction under Chinese law, but coerced confessions are not automatically excluded as evidence.

Accused persons are given virtually no opportunity to prepare an adequate defense while their cases are being investigated, a time when the question of guilt or innocence is essentially decided. The law provides that defense lawyers may be retained 7 days before trial. However, in some cases, even this brief period is shortened under regulations issued in 1983 to accelerate the adjudication of certain serious criminal cases. Under Chinese law, there is no requirement that the court appoint a defense attorney for the defendant unless the defendant is hearing impaired or a minor, although the court may appoint defense counsel if it feels an attorney is necessary. When attorneys do appear, they have little time to prepare a defense and rarely contest guilt; their function is generally confined to requesting clemency. The conviction rate is over 90 percent. The court's permission is required before the accused or his representative can interrogate witnesses, produce new witnesses, or review evidence.

In some regions, experimentation with the trial system is underway. Shanghai court officials announced plans in August in some criminal and civil cases to expand an experiment with a more adversarial system, which gives attorneys more responsibility for presenting evidence and arguing the facts during trials.

Chinese officials state that China has insufficient numbers of lawyers to meet the country's growing needs. Knowledgeable observers report that defense attorneys appear in only a small number of criminal trials. As a key element in its legal reform plans, China plans to increase the number of lawyers to 150,000 by the year 2000. As of July, there were 70,515 lawyers working in 5,885 law firms. In many cities, private law firms are being organized outside the framework of established government legal offices. These firms are self-regulating and do not have their personnel or budgets determined directly by the State. At the end of 1993, there were 502 such firms. However, many defense lawyers, like other Chinese, still depend on an official work unit for employment, housing, and other benefits. They are therefore often reluctant to be viewed as overzealous in defending individuals accused of political offenses. In some sensitive cases, relatives of defendants have reportedly found it difficult to hire defense lawyers.

The Criminal Procedure Law requires that all trials be held in public, except those involving state secrets, juveniles, or "personal secrets." Details of cases involving "counterrevolutionary" charges, however, have frequently been kept secret, even from defendants' relatives, under this provision. The 1988 Law on State Secrets affords a ready basis for denying a public trial. Hong Kong reporter Xi Yang's trial in March on the charge of stealing state secrets was not open to the public (see Section 2.a.). In November journalist Gao Yu was sentenced to 6 years in prison for "leaking state secrets," allegedly published in the Hong Kong press. Gao's lawyer and her relatives said they had not been notified of the final trial or sentencing hearing (the case had been returned twice for insufficient evidence). There is an appeals process, but initial decisions are rarely overturned, and appeals generally do not provide meaningful protection against arbitrary or erroneous verdicts. Under the Criminal Procedure Law, persons "exempted from prosecution" by procurators may still be deemed to have a criminal record, despite the lack of a judicial determination of guilt. Such provisions can be applied in "counterrevolutionary crimes" as well as in ordinary criminal offenses.

Lack of due process is particularly egregious when defendants receive the death sentence. Chinese officials refuse to provide comprehensive statistics on death sentences or executions, but hundreds of executions are officially reported annually. The actual numbers may be much higher. All death sentences are nominally reviewed by a higher court. Reviews are usually completed within a few days after sentencing and consistently result in a perfunctory confirmation of sentence.

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No executions for political offenses are known to have occurred in 1994.

During 1994 new reports revived previous allegations that organs from executed Chinese prisoners are removed and transplanted to patients without the consent of the prisoner or his or her family. These reports have not been verified.

In January 1995, a Ministry of Justice official said there were a total of 1,285,000 prisoners in prisons or reform through labor camps at the end of 1994. Prisoners can be sentenced to these facilities only by the courts. However, government authorities can assign persons accused of "minor" public order offenses to "reeducation through labor" camps in an extrajudicial process. Terms of detention run from a normal minimum of 1 year to a maximum of 3 years. The labor reeducation committee which determines the term of detention may extend an inmate's sentence for an additional year. According to Chinese officials, 153,000 detainees were in reeducation through labor facilities at the end of 1993, up 16 percent over 1992 figures. Other estimates of the number of inmates are considerably higher. Officials said 75,900 were released from reeducation through labor facilities in 1993. Under a State Council regulation issued in early 1991, those sentenced to reeducation through labor may ask the committee to reconsider its decision.

Since 1990 reeducation through labor sentences may also be judicially challenged under the Administrative Procedure Law. While some persons have obtained a reduction in or withdrawal of their sentence after reconsideration or appeal, in practice these procedures are not widely used, and short appeal times, lack of access to lawyers, and other problems weaken their effectiveness in preventing or reversing arbitrary decisions.

Government officials deny that China has any political prisoners, asserting that persons are detained not for the political or religious views they hold, but because they have taken some action which violates the Criminal Law. Political dissidents, however, are often detained or charged for having committed "crimes of counterrevolution" under Articles 90 through 104 of the Criminal Law. Counterrevolutionary offenses range from treason and espionage to spreading counterrevolutionary propaganda. The authorities also used these articles to punish persons who organized demonstrations, disrupted traffic, disclosed official information to foreigners, or formed associations outside state control. In

December, 9 of 16 defendants tried in Beijing in July were sentenced to prison terms ranging from 3 to 20 years for leading or participating in "counterrevolutionary groups" or conducting "counterrevolutionary propaganda and incitement." One defendant was sentenced to two years of "supervision," one was excused before trial for medical reasons, and charges against five others were dropped. All 16 defendants had been held in pretrial detention for more than 2 years. In other cases, the system of reeducation through labor is used to deal with political offenders. Qin Yongmin was sentenced to 2 years' reeducation through labor in January for "creating turmoil," apparently for his role as founder of the "Peace Charter" group in 1993. Labor activist Zhang Lin and lawyer Zhou Guoqiang were reportedly sentenced to 3-year terms of reeducation through labor in September, as were activists Bao Ge, Yang Zhou, Li Guotao, and Yang Qingheng in October. Liu Huanwen was sentenced to 2 years' reeducation through labor in August. Shanghai Human Rights Association member Dai Xuezhong was sentenced to 3 years for alleged tax evasion in December. Wei Jingsheng's secretary, Tong Yi, began serving a 2 1/2 year sentence of reeducation through labor in late December for allegedly forging an official stamp. Dissidents such as Fu Shenqi and Zhang Xianliang are also still being held in reeducation through labor facilities and are reportedly in poor health.

In January an official from the Chinese Ministry of Justice said there were 2,678 people serving sentences for counterrevolutionary crimes at the end of 1994. Chinese officials told an American human rights monitor in June that as of the end of March there were 2,935 people serving sentences for counterrevolutionary crimes, down from 3,172 in December 1993. These figures include people convicted of espionage or other internationally recognized criminal offenses but do not include political prisoners detained but not charged; political or religious activists held in reeducation through labor camps; and persons detained or convicted for criminal offenses due solely to their nonviolent political or religious activities.

The Government released on parole during 1994 several Chinese prisoners who were detained for political or religious reasons, including prominent activists Wang Juntao, Chen Ziming, Ding Junze, Yulo Dawa Tsering, and others. Nevertheless, many others, including Wei Jingsheng, Ren Wanding, Bao Tong, and Liu Gang, remained imprisoned or under other forms of detention in 1994. Some of those released in 1994 or earlier, such as Chen Ziming and Wang Dan, remain under close police surveillance and suffer from occasional police harassment, making it difficult for them to live a normal life. Wang Dan, for example, was threatened physically in December by undercover police officers, some of whom continued surveillance outside his home. Fearing physical harm, Wang disappeared from public view for 4 weeks before returning home.

Many political prisoners are subject to "deprivation of political rights" even after their period of parole has expired. This status further limits their rights of free speech and association. With a criminal record, their status in society, ability to be employed, freedom to travel, and numerous other aspects of their lives are often severely restricted, although economic reform and social change have ameliorated these problems somewhat. The families of political prisoners are also adversely affected; sometimes family members encounter difficulty in obtaining or keeping employment and housing. For example, Zhang Fengying, wife of imprisoned activist Ren Wanding, and her teenage daughter were evicted from their apartment, owned by Ren's work unit, in 1992 and remained in poor housing during 1994.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Changes in the economic structure, including the growing diversity of employment opportunities and the increasing market orientation of many work units, are undermining the ability of the authorities to monitor and regulate personal and family life as closely as in the past, particularly in rural areas. In urban areas, however, most people still depend on their government-linked work unit for housing, permission to have a child, approval to apply for a passport, and other aspects of ordinary life. The work unit, along with the neighborhood committee, is charged with monitoring activities and attitudes.

Although the law requires search warrants before security forces can search premises, this provision is often ignored. In addition, both the Public Security Bureau and procuracy apparently can issue search warrants on their own authority. The 1982 Constitution states that "freedom and privacy of correspondence of citizens .... are protected by law," but in practice, authorities record some telephone conversations and some mail is opened and censored. Government security organs monitor and sometimes restrict contact between foreigners and Chinese citizens, particularly dissidents. Rules issued in July implementing the State Security Law define "activities of individuals outside the country (including non-Chinese citizens resident in China) who disregard dissuasion and meet with personnel in the country who have endangered state security or who are seriously suspected of endangering state security" as a violation of the State Security Law.

The Government has continued its effort to control citizens' access to outside sources of information, selectively jamming Chinese language broadcasts of the Voice of America (VOA) and British Broadcasting Corporation. The effectiveness of the jamming varies considerably by region, with audible signals of VOA and other broadcasters reaching most parts of China.

China's population has roughly doubled in the past 40 years to 1.18 billion people. In the 1970's and 1980's, China adopted a comprehensive and highly intrusive one-child family planning policy. This policy most heavily affects Han Chinese in urban areas. Urban couples seldom obtain permission to have a second child. However, exceptions are allowed for the 70 percent of Han who live in rural areas, and ethnic minorities are subject to less stringent population controls. Enforcement of the family planning policy is inconsistent, varying widely from place to place and year to year.

The population control policy relies on education, propaganda, and economic incentives, as well as more coercive measures, including psychological pressure and economic penalties. Rewards for couples who adhere to the policy include monthly stipends and preferential medical and educational benefits. Disciplinary measures against those who violate the policy include fines, withholding of social services, demotion, and other administrative punishments, such as loss of employment. Unpaid fines have sometimes resulted in confiscation or destruction of personal property. Because penalties for excess births can be levied against local officials and the mothers' work units, many individuals are affected, providing multiple sources of pressure.

Physical compulsion to submit to abortion or sterilization is not authorized, but Chinese officials acknowledge privately that there are instances of forced abortions and sterilizations. Officials maintain that, when discovered, responsible officials are disciplined and undergo retraining. They admit, however, that stronger punishment is rare. Individuals can also sue officials who have exceeded their authority in implementing family planning policy, but government officials have not provided data on the number of successful suits on these grounds.

Regulations forbid sex-selective abortion, but because of the traditional preference for male children, particularly in rural areas, some families have used ultrasound to identify and abort female fetuses. Use of ultrasound for this purpose was specifically prohibited by the Maternal and Child Health Law passed in October, which prescribes penalties for medical practitioners who violate this provision. The Chinese press has reported that the ratio of male to female births is 114 to 100, based on a nationwide average, while the statistical norm is 106 male births to 100 female. The ratio excludes many female births, especially the second or third in a family, which are unreported to permit the parents to keep trying to conceive a boy, but may also reflect the abuse of sonography. Female infanticide may also be a factor in some areas of China.

At least five provincial governments have implemented regulations seeking to prevent people with severe mental handicaps from having children. In October China passed a national Maternal and Child Care Law calling for premarital and prenatal examinations to determine whether couples have acute infectious diseases, certain mental illnesses (not including mental retardation), or are at risk for passing on debilitating genetic diseases. The law goes into effect on June 1, 1995, and implementing regulations defining which diseases or conditions will be covered have not yet been completed. The law will be implemented by the Ministry of Health, not the State Family Planning Commission, and while it includes provisions for abortion or sterilization in some cases based on medical advice, it provides for obtaining a second opinion and mandates that patients or their guardians give written consent to such procedures. (See also Section 5 on People with Disabilities.)

There were no reported cases of prosecution of parents for teaching their children religion in the privacy of their home.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution states that freedom of speech and freedom of the press are fundamental rights enjoyed by all Chinese citizens, the Government interprets the Communist Party's "leading role" as circumscribing these rights. It does not permit citizens to publish or broadcast criticism of senior leaders or opinions that contradict basic Communist Party doctrine, which provides for a Socialist state under the party's leadership. The Government and party maintained strict control over published expression of dissenting views in 1994. Public security authorities briefly detained several foreign journalists in March, April, and May after they had interviewed or attempted to interview noted dissidents or their relatives. Under China's State Security Law, "official secrets" are broadly defined, and interpretation is left to the Ministries of State Security and Public Security. Hong Kong reporter Xi Yang was convicted of "spying and stealing state secrets" after a closed trial in March. He was sentenced to 12 years' imprisonment and 2 years' deprivation of political rights for allegedly obtaining "financial and economic secrets," including information on China's interest rates and plans to sell gold. Tian Ye, the bank official who allegedly supplied Xi with the information, was sentenced to 15 years' imprisonment and 3 years' deprivation of political rights. After a closed trial, former journalist Gao Yu was sentenced to 6 years' imprisonment in November for "leaking state secrets abroad." (See Section 1.e.)

The party and the Government continue to control print and broadcast media and compel them to propagate the currently acceptable ideological line. In June press guidelines called on reporters to protect state secrets, avoid corruption, and not publicize "sensitive subjects." Despite these admonitions, the lively tabloid sector continued to expand in 1994, while circulation of major propaganda-oriented dailies continued to decline. Radio talk shows remained popular, and, while generally avoiding politically sensitive subjects, they provided opportunities to air grievances about public issues. A small but rapidly growing segment of the population has access to satellite television broadcasts. Satellite television dishes are widely available for sale, and a licensing scheme begun in October 1993, which controls purchase and possession of the equipment, has been implemented at best unevenly.

The Government's ability to control the production and dissemination of publications continued to diminish in 1994. Fierce competition and dwindling government subsidies have increased opportunities for private publishers and booksellers. Some credible estimates hold that, at the end of 1993, as much as one-third of all books were being published through these unsanctioned channels. In April officials announced the number of licensed publications would be frozen at current levels. Shenzhen authorities confiscated a thousand copies of "Tendency Quarterly" and briefly detained its founder in January. In May 45 newspapers and periodicals were banned for illegally reselling their publishing licenses. Seven film directors were banned in March for entering their works in an overseas film festival without going through official channels.

The Government has continued to impose heavy ideological controls on colleges, universities, and research institutes. As a result, many intellectuals and scholars, fearing that books or papers on political topics would be deemed too sensitive to be published, feel compelled to exercise self-censorship. In areas such as economic policy or legal reform, there was greater official tolerance for comment and criticism.

b. Freedom of Peaceful Assembly and Association

While the Constitution provides for freedom of peaceful assembly and association, the Government severely restricted these rights in practice. The Constitution provides, for example, that such activities may not infringe "upon the interests of the State"; protests against the political system or its leaders are prohibited. Although some small-scale demonstrations on nonpolitical grievances are tolerated in practice, demonstrations involving expression of dissident political views are denied permits and suppressed if held. Police detained Zhou Guoqiang and Yuan Hongbing in March, reportedly in part due to their presentation of a petition on human rights and worker rights to the NPC during its annual plenary session. Press reports from a Chinese-controlled service also accused Zhou of planning to sell "political" T-shirts while the NPC was in session.

The Communist Party organizes and controls most professional and other mass associations. Regulations promulgated in 1990 require all organizations to be officially registered and approved. Ostensibly aimed at secret societies and criminal gangs, the regulations also deter the formation of unauthorized political or labor organizations. Authorities in Shanghai refused to allow several individuals to register a proposed "human rights association," and some members of the group were subsequently detained (see Section 4). In March Liu Nianchun was denied permission to register the Association for Protection of Labor Rights; Liu himself was detained in May but released in October. No charges were filed against him.

c. Freedom of Religion

The Government subjects religious freedom to restrictions of varying severity, although the number of believers continues to grow. While the Constitution affirms toleration of religious beliefs, government regulations restrict religious practice to government-controlled religious organizations and registered places of worship. The Government supervises the publication of religious material for distribution. There are persistent complaints that the number of Bibles and other religious materials allowed to be printed falls far short of demand. Religious affairs bureaus, which are staffed by officials who rarely are religious believers, provide "guidance and supervision" over implementation of government regulations on religion. In a Catholic seminary in Chengdu, all the seminarians walked out in April to protest party interference in the operation of the school. Communist Party officials state that party membership and religious belief are incompatible. This places a serious limitation on religious believers, since party membership is required for almost all high positions in government and state-owned businesses.

There are no specific bans on particular religious groups, but the treatment of religious believers and organizations varies widely. Unregistered or "house" church leaders and members are harassed in some regions but tolerated in others. Nonmainstream sects are often singled out. Credible reports indicate members of an evangelical sect known as "Shouters" continued to be harassed, detained, fined, and imprisoned in Henan after the group was deemed "counterrevolutionary" in 1984.

After forcefully suppressing all religious observances during the 1966-76 Cultural Revolution, the Government began in the late 1970's to restore or replace damaged or confiscated churches, temples, mosques, and monasteries. The official religious organizations administer more than a dozen Catholic and Protestant seminaries, nine institutes to train Imams and Islamic scholars, and institutes to train Buddhist monks. Students who attend these institutes must demonstrate "political reliability," and all graduates must pass an examination on their theological and political knowledge to qualify for the clergy. The Government permitted some Catholic seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies in 1994.

The authorities permit officially sanctioned religious organizations to maintain international contacts as long as these do not entail foreign control. In January China promulgated regulations on religious practices by foreigners and on places of religious activities. The regulations codified many existing rules, including a ban on proselytizing by foreigners, but allow foreign nationals to preach to foreigners, bring in religious materials for their own use, and preach to Chinese in churches, mosques, and temples at the invitation of registered religious organizations. In practice, some discreet proselytizing and distribution of religious texts by foreigners outside official channels is tolerated.

Buddhists are by far the largest body of religious believers in China. The Government estimates that there are 100 million Chinese Buddhists, most of whom are from the dominant Han ethnic group. (A discussion of government restrictions on Tibetan Buddhism can be found in the addendum to this report.)

According to government figures, there are 17 million Muslims in China. In some areas with large Muslim populations, officials continue to restrict the building of mosques and the religious education of youths under 18. Following the 1990 unrest in Xinjiang, the authorities issued regulations further restricting religious activities and teaching. Ningxia authorities issued regulations in July forbidding religious bodies from interfering in administrative affairs, including education, marriage, and family planning.

China permits Muslim citizens to make the hajj to Mecca, and the number of those making the hajj has significantly increased in recent years. About 3,000 officially sponsored Chinese made the hajj in 1993; many more traveled at their own expense.

The number of Christians continues to grow rapidly. Only those Christian churches affiliated with either the Catholic Patriotic Association or the (Protestant) Three Self Patriotic Movement, which the Government established in the 1950's to eliminate perceived foreign domination of Christian groups, may operate openly.

Active unofficial religious movements pose an alternative to the state-regulated churches, although in some areas there is tacit cooperation between official and unofficial churches. The unofficial, Vatican-affiliated, Catholic Church claims a membership far larger than the 4 million registered with the official Catholic Church, though actual figures are unknown. In addition to the 6 million persons who are officially counted as following Protestantism, a large number of Protestants worship privately in "house churches" that are independent of government control.

There continued to be credible reports in 1994 of efforts by authorities in some areas to rein in activities of the unapproved Catholic and Protestant movements, including raiding and closing a number of unregistered churches. Two Protestant house churches in Shenzhen were reportedly closed and their leaders briefly detained. Several Hong Kong-based Christian missionaries were detained for a few days in Henan in February for violating regulations on religious activities by foreigners; several Chinese Christians also detained in connection with the incident were released later. In November, in another town in Henan, a preacher from Taiwan and 152 local Christians were reportedly detained on charges of unauthorized proselytizing by foreigners (under the January religious regulations, Chinese from Hong Kong and Taiwan are covered by the rules governing foreigners). Ten are still in custody; the rest reportedly were released after paying fines of approximately $118 (1,000 RMB). The Guangzhou house church of Pastor Samuel Lamb (Lin Xiangao) continued to operate openly but was subject to limited harassment by the authorities. Elsewhere, authorities tolerate the existence of unofficial Catholic and Protestant churches as long as they remain small and discreet.

A number of religious activists remained imprisoned in 1994. There was some evidence that authorities have increasingly used short-term detentions, rather than long prison terms when dealing with unauthorized religious activities. Pan Yiyuan, leader of a house church in Fujian, was detained in March and released in December. Wei Jingyi was redetained in January in Hebei less than a year after finishing a 3-year sentence to reeducation through labor. Two church members from Anhui were reportedly sentenced to 2 years' reeducation through labor in September, reportedly for contacting "anti-China overseas organizations." Father Gu Zheng was reportedly detained in Xinjiang in October for teaching in an unregistered Catholic seminary. Father Vincent Qin Guoliang was sentenced to 3 years' reeducation through labor in November in Qinghai province. Bishop Su Zhiming was detained briefly in January after meeting with a visiting U.S. Congressman. Authorities in Jiangxi reportedly redetained Bishop Zeng Jingmu in September after holding him for a few days in August. Father Liao Haiqing, also detained in September, was released in November. Several other religious activists were released in 1994, although the whereabouts of some reported to have been released

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could not be confirmed, and others remained under some restrictions. Pei Ronggui and Jia Zhiguo were released in late January or early February; Zhang Ruiyu, Chen Zhuman, Cui Tai, Yan Peizhi, Xu Zhihe and Zhang Li were released in May. In April a visiting American religious figure was told that Han Dingxiang, Fan Zhongliang, Liu Guangdong, and others had been released. In November the U.N. Special Rapporteur on Religious Intolerance made a 10-day visit to China, including Tibet, at the invitation of the Chinese Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The effectiveness of the Government's identification card system used to control and restrict individual residence location within the country continued to erode in 1994. The "floating population" migrating to China's urban areas from the countryside is estimated at anywhere from 50 to 100 million. In January the Government announced the household registration system would be revamped to adapt to the new situation. However, because this itinerant population lacks official status, access to housing, schooling, and the full range of employment opportunities can be restricted.

Some former inmates have been denied permission, under the "staying at prison employment" system, to return to their homes, a provision applicable to those incarcerated in both the "reform through labor" and the "reeducation through labor" systems. For those assigned to camps far from their residences, this constitutes a form of internal exile. The number of prisoners subject to this restriction is unknown. Others have reportedly been forced to accept jobs in state enterprises where they can be more closely supervised after their release from prison or detention.

The Government routinely permits legal emigration and most foreign travel. There was progress during 1994 in several cases in which the Government had denied passports for political reasons. Legal scholar Yu Haocheng finally obtained a passport and exit permit in May, as did several relatives of dissidents currently residing abroad. Although regulations promulgated in 1990 require college graduates to repay the cost of their free postsecondary education by working for 5 years before going abroad, students wishing to go abroad still manage to obtain passports. The Government continues to use political attitudes as a major criterion in selecting people for government-sponsored study abroad.

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The Government continued its efforts to attract persons who have studied overseas back to China. Official media have said that before returning home, Chinese citizens who have joined foreign organizations hostile to China should quit them and refrain from activities which violate Chinese law. The authorities continued to refuse to allow labor activist Han Dongfang to return to China after revoking his passport in 1993 on the grounds that he engaged in activities hostile to China while overseas. In November authorities stopped poet Bei Dao at Beijing Airport and reportedly interrogated him overnight about his position as director of Human Rights in China, a U.S.-based organization. He was then refused entry into China. Some former student leaders who were active in the 1989 Tiananmen demonstrations reportedly continue to have difficulty getting permission to return to China.

The Government accepts the repatriation of citizens who have entered other countries or territories illegally. In 1994, in addition to the routine return of Chinese illegal immigrants found in Hong Kong, the Government permitted the return of several large groups of illegal immigrants from other countries. Citizens illegally smuggled to other countries are often detained for a short time to determine identity and any past criminal record or involvement in smuggling activities. As a deterrent and to recover local costs incurred during the repatriation, the authorities in some areas levy a fine of $1,000 or more on returnees.

Currently there is no law authorizing the authorities to grant refugee status, and they generally repatriate persons of other nationalities seeking to be recognized as refugees. The Ministries of Foreign Affairs, Public Security, and Civil Affairs, in collaboration with the U.N. High Commissioner for Refugees, are writing legislation that would allow China to honor its obligation as a party since 1982 to the Geneva Convention in regard to refugees.

Although the Government denies having tightened its policy on accepting Vietnamese refugees, in recent years very few such refugees have actually been resettled in China. China has not signed the Comprehensive Plan of Action negotiated at the Geneva International Conference on Indochinese Refugees in 1989, but it generally has abided by its principles.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens lack the means to change their government legally and cannot freely choose or change the laws and officials that govern them. Citizens vote directly only for county-level people's congress delegates. People's congress delegates at the provincial level are selected by county-level people's congresses, and in turn provincial-level people's congresses select delegates to the National People's Congress. According to the 1982 Constitution, the National People's Congress (NPC) is the highest organ of state power. It elects the President and Vice President, decides on the choice of the Premier, and elects the Chairman of the Central Military Commission. In some elections (but not for the central Government positions chosen by the NPC), voters are offered more candidates than positions, allowing a modest degree of choice among officially approved candidates. There were credible reports that the candidates most favored by authorities were defeated in some local elections, particularly at the village level.

There are no restrictions placed on the participation of women or minority groups in the political process, and women make up 14 percent of Communist Party membership. However, the election and agenda of people's congresses at all levels remain under tight control by the Communist Party, the paramount source of political authority in China. The Constitution was amended in 1993 to ratify the existence of small "democratic" parties, but these play only a minor consultative role at most, and all pledge allegiance to the Communist Party. Thus, the Communist Party retains an explicit monopoly on political decisionmaking.

The requirement that associations register and be approved makes it difficult for independent interest groups to form and affect the system. Several persons who petitioned the NPC calling for greater attention to human rights and workers' rights, including Zhou Guoqiang, Yuan Hongbing, and others, were detained by authorities in March and April. Zhou Guoqiang was sentenced in September to 3 years' reeducation through labor (see Section 1.e.).

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no independent Chinese organizations that publicly monitor or comment on human rights conditions in China. The Government has made it clear it will not tolerate the existence of such groups. In April Shanghai officials denied a request for permission to register by the Chinese Human Rights Association, a group founded by Yang Zhou and other dissidents. The decision was justified on the grounds that the group was not affiliated with an official organization. The authorities subsequently detained most of the members of the group, but it is not clear whether their detentions resulted solely from their involvement in the group. Wang Dan, a 1989 student activist, was repeatedly detained for brief periods in 1994 after announcing his intention to investigate China's human rights situation. (See also Section 1.d.)

The Government has promoted limited academic study and discussion of concepts of human rights since 1991. Research institutes in Shanghai and Beijing, including the Chinese Academy of Social Sciences, have organized symposia on human rights issues, established human rights research centers, and visited other countries to study human rights practices in those nations. In 1993 the Government formed the China Society for Human Rights Studies as a "nongovernmental organization"; its efforts have focused largely on improving China's image abroad and responding to criticism of China's human rights record. In June the Society issued comments on the 1993 U.S. State Department Human Rights Report which stridently defended Chinese practices and glossed over fundamental human rights abuses that the Government continues to perpetrate.

The Government reiterated in April that China agrees to abide by the Universal Declaration of Human Rights and other international human rights documents. Despite this public statement, Chinese officials accept only in theory the universality of human rights. They argue instead that a nation's political, economic, and social system and its unique historical, religious, and cultural background determine its concept of human rights. To advocate this nonuniversal view, and to deflect attempts to discuss its human rights record, China was active in 1994 in international forums, including the annual U.N. Human Rights Commission meeting.

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The Government remains reluctant to accept criticism of its human rights practices by other nations or international organizations and often criticized reports by international human rights monitoring groups in 1994. Nevertheless, officials no longer dismiss all discussion of human rights as interference in the country's internal affairs. Chinese authorities continued their limited dialog with foreign governments on human rights issues in talks with a number of visiting delegations from other countries, and also during visits abroad by Chinese leaders. At the request of the U.S. Government in 1993, the Chinese Government provided limited information about the status of several hundred persons believed to be imprisoned for their political or religious beliefs. As noted in Section 2.c., in November the U.N. Special Rapporteur on Religious Intolerance visited China for 10 days at the invitation of the Chinese Government. His visit included a trip to Lhasa, capital of the Tibet Autonomous Region.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Laws exist that seek to protect women, children, the disabled, and minorities. In practice, social discrimination based on ethnicity, gender, and disability has persisted and the concept of a largely homogeneous Chinese people pervades the general thinking of the Han majority.

Women

The 1982 Constitution states that "women enjoy equal rights with men in all spheres of life," including ownership of property, inheritance rights, and access to education. In 1992 the NPC enacted legislation on the protection of the rights and interests of women which was designed to assist in curbing sex-related discrimination. Women continued, however, to report discrimination, sexual harassment, unfair dismissal, demotion, and wage cuts. Women are sometimes the unintended victims of economic reforms designed to streamline enterprises and give workers greater job mobility. A survey of the All-China Federation of Trade Unions found that women made up 60 percent of those forced to leave their jobs due to enterprise cutbacks or reorganizations in 1993. Many employers prefer to hire men to avoid the expense of maternity leave and child-care, and some even lowered the retirement age for female workers to 40 years of age. Although Chinese law promises equal pay for equal work, a 1990 survey found that women's salaries averaged 77 percent of men's. Most women employed in industry work in lower-skilled and lower-paid jobs.

In June the Government issued a white paper on the situation of Chinese women, spurred by plans to host the Fourth World Conference on Women in Beijing in 1995. According to the white paper, women hold relatively few positions of significant influence within the party or government structure (there are no women in the 22-member Politburo), although 21 percent of national People's Congress delegates and 13 percent of members of the Chinese People's Political Consultative Conference are women. While the gap in the education levels of men and women is narrowing, men continue to constitute the majority of the educated, particularly the highly educated. For example, the white paper reported that in 1992, women made up 33.7 percent of college students, and 24.8 percent of postgraduates. From 1982 to 1993, 4.9 percent of doctoral degrees were awarded to women.

The Government continued in 1994 to condemn strongly and take steps to prevent and punish the abduction and sale of women for marriage or prostitution, violence against women, and female infanticide. It has severely punished and in some cases executed a number of people accused of such crimes. In a case reported in the Chinese press in December, a gang of 48 people in Anhui province received sentences ranging from 19 years to death for abducting, raping, and selling 102 women. The case was the most serious which has become known to date. The abduction of women remains a serious problem, especially in those areas where local officials have resisted efforts of central authorities to stop it. According to figures announced by the Ministry of Public Security in January, there were 15,000 cases of abduction and trafficking in women and children in 1993.

One report from Inner Mongolia blamed part of the problem of abduction and selling of women on a serious imbalance in sex ratios in one county, where there were 115 men for every 100 women. The question of male/female birth ratios and traditional preferences for boys is discussed in Section 1.f. Although Chinese authorities have enacted laws and conducted educational campaigns to eradicate the traditional preference for sons, in many areas this preference remains strong, especially in rural China. A number of provinces have sought to reduce the perceived higher value of boys in providing old-age support for their parents by establishing or improving pensions and retirement homes.

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Nationwide statistics on the extent of physical violence against women are not available, but a survey of 2,100 families by the Beijing Society for Research on Marriage and the Family published in March, showed that one-fifth of all wives had been abused by their spouses. One government study indicated 2 percent of urban households and 5 percent of rural ones had serious problems of domestic violence.

Children

China does not condone violence against children, and physical abuse can be grounds for criminal prosecution. In 1992 China's Law on the Protection of Juveniles was enacted. It forbids infanticide, as well as mistreatment or abandonment of children. The law also prohibits discrimination against handicapped minors, emphasizes the importance of safety and morality, and codifies a variety of judicial protections for juvenile offenders. The Chinese press continues to report instances of child abuse, for example a December case in which a mother beat her daughter to death despite several prior warnings to stop abusing the child. In one case publicized in the Chinese press, a hospital successfully sued a father for abandoning his infant twin daughters soon after their birth. He was given a 1-year suspended sentence. Female and especially handicapped children represent a disproportionate percentage of those abandoned. Kidnaping and buying and selling of children continued to be a problem in some rural areas. China's extensive health care delivery system has led to a sharp decline in infant mortality rates and improved child health. According to Chinese media, China's infant mortality rate declined to 31 per 1,000 live births in 1994.

National/Racial/Ethnic Minorities

The 55 designated ethnic minorities constitute just over 8 percent of China's total population. Most minority groups reside in areas they have traditionally inhabited, many of which are in mountainous or remote parts of China. China's minorities benefit from a policy of preferential treatment in marriage policy, family planning, university admission, and employment. While the standard of living for most minorities has improved in recent years, incomes in these areas are often well below the national average. The Government has programs to provide low interest loans, subsidies, and special development funds for minority areas. While these government development policies have helped raise minority living standards, they have also disrupted traditional living patterns.

The central Government has tried to adopt policies responsive to minority sensitivities, but in doing so has encountered the dilemma of how to respect minority cultures without damaging minority educational and economic opportunities. In many areas with a significant population of minorities, there are two-track school systems using standard Chinese and minority languages. Students can choose which system to attend. One acknowledged side effect of this policy to protect and maintain minority cultures has been reinforcement of a segregated society. Under this separate education system, those graduating from minority schools are at a disadvantage when competing for jobs in government and business, which require good spoken Chinese. These graduates must take Chinese language instruction before attending universities and colleges.

The Communist Party has an avowed policy of boosting minority representation in the Government and the party. Many minorities occupy local leadership positions, and a few have positions at the national level. However, in most areas, ethnic minorities are effectively shut out of most positions of real political and decisionmaking power. Some minorities resent Han officials holding key positions in minority autonomous regions. Ethnic minorities in Tibet, Xinjiang, and elsewhere have at times demonstrated against Han Chinese authority. Central authorities have made it clear that they will not tolerate opposition to Communist Party rule in minority regions.

People with Disabilities

In 1990 China adopted legislation protecting the rights of China's 54.64 million disabled. However, as with many other aspects of Chinese society, reality for China's handicapped lags far behind the legal provisions. Misdiagnosis, inadequate medical care, pariah status, and abandonment remain the norm for China's disabled population.

Statistics on education reveal the inequity of resources afforded the handicapped in China: only 6 percent of disabled school children receive primary education. The illiteracy rate among the disabled is 60 percent, and school attendance averages only 20 percent for blind, deaf, or mentally retarded children.

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In May the China Welfare Fund for the Handicapped, headed by Deng Pufang, son of retired senior leader Deng Xiaoping, announced plans to raise the employment rate and the education enrollment rate of the disabled to 80 percent by the year 2000, increase vocational training, and promote research on disabilities in China. All state enterprises are required to hire a certain number of disabled workers, but Chinese authorities estimate that 40 percent of disabled people are jobless.

In May China adopted standards for making roads and buildings accessible for the handicapped. The 1990 Law on the Handicapped, however, calls for "gradual" implementation of the standards. A low level of compliance with the regulations to date has resulted in limited access to most buildings for China's physically handicapped.

The new Maternal and Child Health Care Law passed in October postpones the marriage of persons with certain specified contagious diseases or certain acute mental illnesses such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. The law mandates premarital and prenatal examination for genetic or contagious diseases, and it specifies that medically advised abortion or sterilization require the signed consent of the patients or their guardians.

Section 6 Worker Rights

a. The Right of Association

China's 1982 Constitution provides for "freedom of association," but this right is heavily diluted by references to the interest of the State and the leadership of the Chinese Communist Party. The country's sole officially recognized workers' organization, the All-China Federation of Trade Unions (ACFTU) is controlled by the Communist Party. Independent trade unions are illegal. Though ACFTU officials recognize that workers' interests may not always coincide with those of the Communist Party, the trade union law passed by the NPC in March 1992 stated that the ACFTU is a party organ, and its primary purpose is to mobilize workers for national development. The 1993 revised Trade Union Law required that the establishment of unions at any level be submitted to a higher level trade union organization for approval. The ACFTU, the highest level organization, has not approved the establishment of independent unions. Attempts to form or register independent unions have been severely repressed (see Section 1.e. and 2.b.). There are no provisions allowing for individual workers or unofficial worker organizations to affiliate with international bodies. The vast majority of workers have no contact with any union other than the ACFTU.

Credible reports indicate that the Government has attempted to stamp out clandestine union activity. In March a petition calling, among other things, for workers to have "freedom from exploitation," the right to strike, and the right to organize nonofficial trade unions was circulated in Beijing. Chinese authorities later detained Zhou Guoqiang, (an associate of Han Dongfang, see Section 2.d.) Yuan Hongbing, and Wang Jiaqi after they presented the petition; Zhou was sentenced in September to 3 years' reeducation through labor, although the charges against him were reportedly not linked to the petition. Accurate figures are not available on the number of Worker Autonomous Federation detainees still being held after the 1989 Tiananmen Square demonstrations.

The ACFTU's primary attention remains focused on its traditional constituency, state sector workers. The Trade Union Law mandates that workers may decide whether to join the union in their enterprise. By official estimate, 10 percent of workers in collectively and state-owned enterprises have chosen for their own reasons not to join. There have been no reports of repercussions for workers who have not joined ACFTU unions. Diversification of enterprise types over the last decade of reform has vastly increased the number of workers outside the traditional sphere of the ACFTU. Over half of China's nonagricultural work force is now largely unorganized and outside the state industrial structure, in collectives, township and village enterprises, private and individual enterprises, and foreign-invested enterprises. In township and village enterprises, one of the fastest growing sectors of the economy, only 0.1 percent of workers are organized in ACFTU affiliates.

Workers in companies with foreign investors are guaranteed the right to form unions which must affiliate with the ACFTU. According to ACFTU statistics, 60 percent of workers in foreign-invested companies had joined unions by December 1994. Unofficial Embassy surveys suggest a more accurate estimate of unionization of employees in foreign-invested enterprises might be closer to 40 percent. According to press reports, 14 coastal provinces issued regulations requiring all foreign-invested enterprises to establish unions by the end of 1994. Enforcement of these regulations appears to have been haphazard. Guangdong province, recipient of much of China's foreign investment, reported 40-percent unionization of foreign-invested enterprises in December 1994.

The right to strike, which had been included in China's 1975 and 1978 constitutions, was not retained in the 1982 Constitution. In general, the Union Law assigns unions the role of mediators or go-betweens with management in cases of work stoppages or slowdowns. Nonetheless, work stoppages occurred in several locations in China during 1994. One of the largest well-documented cases occurred when 1,300 workers in a foreign-invested enterprise in Shekou in Guangdong province struck over working conditions. Beginning in 1993, the Ministry of Labor no longer officially denied the existence of strikes in China. In 1994 Ministry of Labor officials provided detailed statistics on the number and type of labor disputes. The statistics, based on National Mediation Center and Labor Bureau records, reveal a 50-percent increase in disputes in 1993. Ministry of Labor arbitration bureaus across China recorded 12,358 disputes involving 34,794 workers. Of these, all but 1,173 were initiated by workers. According to the Ministry of Labor, roughly two-thirds of the disputes were settled through mediation or arbitration, 334 were taken to court, and 244 resulted in strikes.

b. The Right to Organize and Bargain Collectively

The long-awaited National Labor Law, passed by the NPC's Standing Committee on July 5, permits workers in all types of enterprises in China to bargain collectively. The law, which will take effect January 1, 1995, supersedes a 1988 law that allowed collective bargaining only by workers in private enterprises. Some high-profile experiments in collective bargaining have been carried out at state enterprises, notably the Shanghai Number Five Iron and Steel Plant. In the past, the ACFTU has limited its role to consulting with management over wages and regulations affecting working conditions and serving as a conduit for communicating workers' complaints to management or municipal labor bureaus. The ACFTU has shown concern about protecting workers' living standards in areas such as unemployment insurance and argued in 1993 that the traditional definition of workers should be expanded to include peasants laboring in China's township and village enterprises.

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Before wage reform, workers' wages were set according to a uniform national scale, based on seniority and skills. Since wage reform, a total wage bill for each collective and state-owned enterprise is set by the Ministry of Labor according to four criteria: 1) as a percentage of profits, 2) as a contract amount with the local labor bureau, 3) for money losing enterprises, according to a state-set amount, or 4) as an enterprise-set amount subject to Labor Ministry review. Individual enterprises determine how to divide the total among workers, a decision usually made by the enterprise manager in consultation with the enterprise party chief and the ACFTU representative. Worker congresses (see below) have mandated authority to review plans for wage reform, though these bodies serve primarily as rubberstamp organizations. Wages are generally equal for the same type of work within enterprises. Incentives are provided for increased productivity. Under the new Labor Law, wages may be set according to conditions set out in collective contracts negotiated between ACFTU representatives and management. In practice, only the small number of workers with high technical skills can negotiate effectively on salary and fringe benefit issues.

The old permanent employment system is increasingly giving way to a more flexible contract-based system. Most workers in state-owned enterprises hired in the last 3 years have signed individual contracts--a practice mandated by the new Labor Law--and a number of large enterprises have converted all workers to such contracts. Approximately 40 percent of state sector workers now work under contract, but the proportion of contract workers varies widely according to regional economic development. In Shanghai, 1.5 million workers, or 97.5 percent of all workers in state sector firms, have signed labor contracts. Contract arrangements are more common in township and village enterprises and many types of joint ventures. In collective enterprises below the provincial level, contract workers are a distinct minority. China's new Labor Law provides for workers and employers at all types of enterprises to sign both collective and individual contracts. The former will be worked out between ACFTU or worker representatives and management and will specify such matters as working conditions, wage distribution, and hours of work. Individual contracts will then be drawn up in line with the terms of the collective contract.

Worker congresses, held periodically in most Chinese enterprises, theoretically have the authority to remove incompetent managers and approve major decisions affecting the enterprise, notably wage and bonus distribution systems. However, worker congresses generally take place only once a year and serve essentially to approve agreements worked out among factory managers, party secretaries, and ACFTU representatives. In smaller enterprises it is not unusual to find these three posts held by the same person.

A dispute settlement procedure has been in effect since 1987. The procedure provides for mediation, two levels of arbitration committees, and a final appeal to the courts. Of the 12,358 cases brought for arbitration in 1993, 64 percent were resolved at the first or second level. Less than 3 percent reached the courts. Approximately 40 percent of the cases closed in 1993 were resolved in favor of the worker(s), 20 percent in favor of management; the rest resulted in a compromise. According to Labor Ministry officials, most arbitration cases are filed by contract workers or their employers, indicating, they assert, that the new contract system provides a clearer set of ground rules which both sides can attempt to enforce.

The 1982 Trade Union Law prohibits antiunion discrimination and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. Unionized foreign businesses generally report pragmatic relations with ACFTU representatives. At its National Congress in October 1993, the ACFTU set the goal of establishing unions in 50 percent of all foreign-funded enterprises by the end of 1994.

Laws governing working conditions in China's special economic zones (SEZ's) are not significantly different from those in the rest of the country. However, wages in the SEZ's, and in southeastern China generally, are significantly higher than in other parts of the country.

c. Prohibition of Forced or Compulsory Labor

In addition to prisons and reform through labor facilities, which contain inmates sentenced through judicial procedures (see Section 1.c.), China also maintains a network of "reeducation through labor" camps, where inmates are sentenced through nonjudicial procedures (see Section 1.e.). Inmates of reeducation through labor facilities are generally required to work. Reports from international human rights organizations and the foreign press indicate that at least some persons in pretrial detention are also required to work. Justice officials have stated that in reeducation through labor facilities there is a much heavier emphasis on education than on labor. Most reports conclude that work conditions in the penal system's light manufacturing factories are similar to those in ordinary factories, but conditions on farms and in mines can be harsh. As is the case in most Chinese workplaces, safety is not a high priority. There are no available figures for casualties in prison industry.

Some penal facilities contract with regular industries for prisoners to perform light manufacturing and assembly work. In 1991 the Government published a reiteration of its regulations barring the export of prison-made goods. On August 7, 1992, the U.S. and Chinese Governments signed a memorandum of understanding (MOU) prohibiting trade in prison labor products. A statement of cooperation detailing specific working procedures for implementation of the MOU was agreed to and signed on March 14, 1994.

d. Minimum Age for Employment of Children

China's National Labor Law, effective January 1, 1995, forbids employers to hire workers under 16 years of age and specifies administrative review, fines, and revocation of business licenses of those businesses that hire minors. In the interim, regulations promulgated in 1987 prohibiting the employment of school-age minors who have not completed the compulsory 9 years of education continued in force. Enterprise inspection and effective enforcement of labor regulations is expanding. Officials insist that increased diligence in monitoring temporary workers has successfully precluded widespread employment of minors. Labor officials also report that employers were disciplined in 1994 for infringement of child labor regulations, but such reports cannot be verified. In poorer isolated areas, child labor in agriculture is widespread. Most independent observers agree with Chinese officials that, given its vast surplus of adult labor, urban child labor is a relatively minor problem in formal sectors of the economy. Rising dropout rates at secondary schools in some southern provinces and anecdotal reports suggest that children may increasingly be entering unregulated sectors of China's economy. No specific Chinese industry is identifiable as a significant violator of child labor regulations.

e. Acceptable Conditions of Work

The new Labor Law codifies many of the general principles of China's labor reform, setting out provisions on employment, labor contracts, working hours, wages, skill development and training, social insurance, dispute resolution, legal responsibility, supervision, and inspection. In anticipation of the Law's minimum wage requirements, many local governments already enforce regulations on minimum wages. Generally the wage levels have been set higher than the local poverty relief ceiling but lower than the current wage level of the average worker. Minimum wage figures do not include free or heavily subsidized benefits which employers commonly provide in kind, such as housing, medical care, and education. Unemployment insurance schemes now cover a majority of urban workers (primarily state sector workers). Benefits from these funds are provided to laid off workers according to "local conditions," but unemployment subsidies generally equal 120 to 150 percent of the local hardship relief standard. Regularization of unemployment insurance coverage and administration in 1994 has served to decrease the incidence of nonpayment of severance allowances. Workers are eligible to receive unemployment relief funds for varying lengths of time, up to 24 months, according to length of service.

In February the State Council reduced the national standard workweek from 48 hours to 44 hours, excluding overtime, with a mandatory 24-hour rest period. A system of alternating weeks of 6- and 5-day workweeks began in March, with a 6-month grace period for implementation. The same regulations specified that cumulative monthly overtime could not exceed 48 hours. The Chinese press regularly reported cases of workers forced to work regular 12-and 14-hour days of forced overtime at foreign-invested enterprises, particularly in southeast China and the SEZ's.

Occupational health and safety are constant themes of posters and campaigns. Every work unit must designate a health and safety officer, and the International Labor Organization has established a training program for these officials. The U.S. Department of Labor's Mine Safety and Health Administration is participating actively in this program. Moreover, while the right to strike is not provided for in the 1982 Constitution, the Trade Union Law explicitly recognizes the right of unions to "suggest that staff and workers withdraw from sites of danger" and to participate in accident investigations. Labor officials reported that such withdrawals did occur in some instances during 1994. Nonetheless, pressures for increased output, lack of financial resources to maintain equipment, lack of concern by management, and a traditionally poor understanding of safety issues by workers have contributed to a continuing high rate of accidents. Statistics provided by the ACFTU indicate that 11,600 workers were killed in industrial accidents from January to August of 1993, up 13 percent over the same period of 1992. One credible report indicates there are over 10,000 miners killed in accidents yearly. Fatal factory explosions, fires, and collapsing dormitories have been covered by both the domestic and foreign press. Officials blame 60 percent of accidents on violation of safety regulations, particularly in the rapidly expanding rural, private, and foreign-invested enterprise sectors. In Guangdong, where 1,300 fires killed 329 people and injured 889 in 1993, the authorities announced in February new fines for enterprises that neglect safety precautions. Negligent units will be fined 1 to 5 percent of the total losses they incur in any fire, $3,450 (RMB 30,000) for every worker killed, and $345 to $575 (RMB 3,000 to 5,000) for each worker injured. Many factories using harmful products, such as asbestos, fail not only to protect their workers against the ill effects of such products, but also fail to inform them about the potential hazards.

TIBET

(This section of the report on China has been prepared pursuant to Section 536 (b) of Public Law 103-236. The United States recognizes the Tibet Autonomous Region (hereinafter referred to as "Tibet") to be part of the People's Republic of China. Preservation and development of Tibet's unique religious, cultural, and linguistic heritage and protection of its people's fundamental human rights continue to be of concern.)

Respect for the Integrity of the Person

Because the Chinese Government strictly controls access to and information about Tibet, it is difficult to state precisely the scope of human rights abuse there. It is known, however, that during 1994 Chinese government authorities continued to commit widespread human rights abuses in Tibet, including instances of torture, arbitrary arrest, and detention without public trial, long detention of Tibetan nationalists for peacefully expressing their political views, and rigid controls on freedom of speech and the press, particularly for Tibetans. There are credible reports that authorities in some instances tortured and killed detainees in Tibet. Reports from international human rights organizations indicate that a Tibetan nun died on

June 4 in a prison hospital, reportedly as a result of a beating by guards. In May Tibetan officials reported that a former public security official in Tibet was sentenced to 9 years in prison for causing the death of a suspect while torturing him to obtain a confession. The United Nations Working Group on Arbitrary Detentions has concluded that China is arbitrarily detaining 32 Tibetans and has called for their release.

The authorities permit most traditional religious practices except those seen as a vehicle for political dissent, which they ruthlessly suppress. They continue to detain and prosecute monks and nuns who have expressed dissenting political views in public. Legal safeguards for Tibetans detained or imprisoned are inadequate in design and implementation, and lack of independent outside access to prisoners or prisons makes it difficult to assess the extent and severity of abuses and the number of Tibetan prisoners.

According to human rights organizations, small-scale protests were reported to have occurred in Lhasa, the capital, and elsewhere during 1994, resulting in swift detention for participants. According to credible reports, in January, 11 nuns were sentenced to terms of 2 to 7 years' imprisonment for taking part in a proindependence demonstration in 1993. Another group of 14 nuns reportedly had their prison sentences increased by up to 9 years for singing proindependence songs. In May a demonstration by Tibetan shopkeepers protesting tax increases took on political overtones, and several dozen Tibetan monks and nuns were detained, apparently for raising independence slogans. Police responded without using excessive force, reflecting better riot control training; no lives were lost. Tibetan political prisoners such as Ngawang Pulchung and Jempel Tsering remained imprisoned in 1994, although Yulo Dawa Tsering and three other Tibetans were released in November.

Freedom of Religion

In Tibet, where Buddhism and Tibetan nationalism are closely intertwined, relations between Buddhists and secular authorities continued to be tense in 1994. The Government does not tolerate religious manifestations that advocate Tibetan independence, and it has prohibited a large traditional festival which has in the past been used to encourage separatist sentiment. The Government condemns the Dalai Lama's political activities and his leadership of a "government in exile," but it recognizes him as a major religious figure.

CHINA

Government religious authorities in 1994 forbade party and government officials from displaying the Dalai Lama's photograph, including in their homes, and removed his photographs from sale at bazaar shops. His photos remain in prominent positions in most temples in Tibet. The autonomous region government in Tibet also ordered Tibetan officials who have children studying in India to bring them back to Tibet immediately.

In 1994 the Chinese Government continued to take steps to ameliorate damage caused in the 1960's and 1970's to Tibet's historic religious buildings and other aspects of its cultural and religious heritage. The Government has expended substantial sums to reconstruct the most important sacred sites of Tibetan Buddhism. A 5-year project to restore the Potala Palace (the most important Tibetan Buddhist center) in Lhasa was concluded in August 1994 at a cost of $6.4 million. The Government also provided funding in 1994 for the restoration of two other major religious sites in Lhasa, the Jokhang and Ganden monasteries. Ganden had been completely destroyed during the Cultural Revolution. Public contributions also helped to rebuild these and many smaller monasteries. Although the Government denied it, the practice of religion in Tibet continued to be hampered by the limits the Government imposes on the number of resident monks in several of Tibet's main temples. There are 34,000 Buddhist monks and nuns in Tibet, according to official figures, a small number compared to traditional norms. Tibetan Buddhists claim that they are restricted in the numbers and training of religious practitioners, even though limits on resident monks are not strictly observed in practice. Monks at some Tibetan monasteries known for their opposition to Han Chinese domination may still face travel restrictions.

Economic Development and Protection of Cultural Heritage

Like China's 54 other minority ethnic groups, Tibetans receive preferential treatment in marriage policy, family planning, university admission, and employment. Chinese government development policies have helped raise the living standards of Tibetans, but also have disrupted traditional living patterns. The Government has sought to preserve the Tibetan language, but in doing so has encountered the dilemma of how to preserve the language without limiting educational opportunities. In Tibet primary schools at the village level teach in Tibetan. Many pupils end their formal education after graduating from these schools, which usually only have two or three grades. Those who go on to regional primary schools and beyond, particularly after junior high school, receive much of their education in Chinese, although some areas provide instruction in Tibetan through junior high school. Efforts to expand Tibetan language instruction are hampered by lack of materials and competent teachers at higher levels.

In July 1994, the Chinese Communist Party and the State Council conducted a large-scale work conference on Tibet. The third of its kind since 1980, this work conference was attended by delegations from the CCP and central government organizations, as well as provincial representatives and delegates from certain urban areas. The conference focused on setting economic development goals, pledging to increase economic activity in Tibet by 10 percent a year. The plan included a total of $270 million in investment projects, continuing the government policy of providing substantial budget subsidies to develop Tibet's backward economy. China's leaders also made clear that Tibet would continue to receive central government financial assistance and would retain "special flexibility" in implementing reform policies mandated elsewhere in China. In a speech covered extensively in the Chinese press, President Jiang Zemin reiterated Beijing's willingness to "welcome back" the Dalai Lama to Tibet, so long as "he abandons advocacy of Tibetan independence and ceases activities to split the motherland." Although the work conference approved plans to boost economic development in Tibet, it produced no change in the Chinese Government's policy toward Tibet.

The Dalai Lama continued in 1994 to express concern that development projects and other central government policies encourage a massive influx of Han Chinese into Tibet, which has the effect of overwhelming Tibet's traditional culture and diluting Tibetan demographic dominance in Tibet. Freer movement of people throughout China in recent years, and the prospect of economic opportunity in Tibet, has led to a substantial increase in the non-Tibetan population (including China's Muslim Hui minority as well as Han Chinese) in Lhasa and other urban areas. Most of these migrants profess to be temporary residents, but small businesses run by ethnic Han and Hui peoples (mostly restaurants and retail shops) are becoming more numerous in or near some Tibetan towns and cities. Roughly one-third of the population of Lhasa is Han Chinese. Chinese officials assert that 95 percent of Tibet's officially registered population is Tibetan, with Han and other ethnic groups making up the remainder. Increased economic development will likely mean the transfer to, or temporary duty in, Tibet

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of a greater number of non-Tibetan technical personnel, and may also increase the number of immigrants from China's large floating population seeking to take advantage of new economic opportunities.

Economic development, fueled by central government subsidies, is changing traditional Tibetan ways of life. While the Chinese Government has made efforts in recent years to restore the physical structures and other aspects of Tibetan Buddhism and Tibetan culture damaged or destroyed during the Cultural Revolution, repressive social and political controls continue to limit the individual freedoms of Tibetans.

Human Rights in China

Philip Shenon, chief Beijing correspondent of the US-based *The New York Times*, recently interviewed Zhu Muzhi, chairman of the China Human Rights Society. The following presents Zhu's answers to questions posed by Shenon.

ZHU MUZHI: I will call on personal experience to answer your question concerning the status quo of human rights in China. I have lived in Beijing since the 1930s and have personally witnessed the tremendous changes taking place in China. About six decades ago, savage Japanese aggression pushed Beijing to the brink of being reduced to a colony. Under brutal of Japanese aggression, Chinese people lacked any guarantee of their lives, let alone the dignity as human beings. Ordinary Chinese living in occupied areas were forced to kowtow to Japanese soldiers, while citizens in unoccupied areas lived from hand to mouth, suffering from hunger and cold. As a result, young Chinese students and hundreds of millions of civilians rose to launch resistance movements. The Declaration of Independence of your country says that all people enjoy certain untransferable rights endowed by the "Creator", including the right to life and liberty, as well as the right to pursue happiness. However, during the dark years of Japanese aggression, Chinese people were deprived of such rights. Today, the conditions of the Chinese people have reversed completely. To eat their fill and dress warmly, a goal cherished by the Chinese people for centuries, have basically been accomplished. Today's China enjoys an unprecedentedly fine situation. Tilling 7 percent of the world's total cultivated land, China has nevertheless succeeded in feeding 22 percent of the world's total population and has basically solved the problem regarding the right to subsistence of the Chinese people. Just think it over how many hundreds of millions of people throughout the world are still not guaranteed the right to subsistence, you will be able to understand how extraordinary the achievements scored by China are. China's effort to improve human rights has also been a great contribution to the development of global human rights undertakings. Of course, it does not mean that China's human rights situation is perfect. In fact, current circumstances of human rights in China fall far short of the lofty goal and demand. There are many aspects requiring us to devote arduous effort to making improvements.

Zhu Muzhi.

SHENON: Since the US government dissociated human rights from the annual extension of the MFN trade status, do you think China will in the future assume a more intransigent attitude toward the human rights issue in the future?

ZHU: It has nothing to do with intransigence. We respect facts, or, in other words, approach things as they stand.

SHENON: In your opinion, why does China have a poor reputation worldwide in terms of human rights?

ZHU: In my opinion, we

must first analyze which countries and who on earth have said that China's human rights situation is undesirable. Judging from the outcome of several international conferences on human rights, countries which oppose and attack China at the meetings are in the minority, with most attacks coming from Western countries. However, those making the most violent attacks against China represent a tiny handful of Western countries. Therefore, you can't say that China has a bad reputation in the world. According to my observations, different circumstances exist with regard to countries which claim that China's human rights status is bad. Some countries have no real knowledge of the reality in China, but they have believed various rumors and slanders. Some have set demands on China in accordance with their own standards. This is what we refer to as a situation in which "the well-fed don't know how the starving suffer", as I told the chief editor of your newspaper's editorial department during his last visit. Still others have an axe to grind, and hence they are not truly concerned about the human rights issue in China.

SHENON: You have politely used diplomatic jargon and have not mentioned the United States by name. May I ask whether or not you think the United States has been a thorn for China in regard to the human rights issue?

ZHU: One point in your question is quite important. That is whether the issue of human rights will affect diplomatic relations between China and other countries. We hold that the human rights issue has certain international involvements, but it is essentially a matter within the domestic jurisdiction of a country. Therefore, the human rights issue should not affect relationships between various countries, unless problems regarding human rights endanger international peace and security. Neither China's concept of human rights, nor its practices related to guaranteeing human rights, have done harm to the interests of the United States. If the Sino-US relations are held up because of the human rights issue, it will be harmful to both sides. It is so wise of President Clinton to unhook human rights from the annual extension of MFN trade status. Since then, economic and trade relations between the two countries have witnessed marked progress. It is of great benefit to both, isn't it? Nonetheless, it seems that the United States will hold fast to the issue. I wonder to which direction it intends to lead the relationship between the two countries, and what on earth will benefit the United States by doing so.

SHENON: What would have been the outcome had President Clinton made an opposite decision?

ZHU: An old Chinese saying goes that "a person lifts a rock only to drop it on his own toes". Some Americans have noted that China is a huge market. The United States would lose this vast market if it canceled China's MFN trade status. In case the United States withdraws from the market, other countries would not follow. On the contrary, they would think it an opportunity the United States has given them. Under this scenario, had the United States wanted to re-enter the Chinese market in the future, it would have been by no means as easy as before because most niches would have been filled. That's why I say that President Clinton made a wise decision and refrained from reaping a whirlwind by sowing the wind.

SHENON: What is your opinion on one country commenting on the human rights situation of another country?

ZHU: We hold that the issue of human rights by and large falls under the sovereignty of an individual country. Owing to differences in historical background, cultural tradition, social customs and habits, religious beliefs and economic development, situations in different countries vary greatly. Therefore, the human rights issue is highly complex, and it is far from easy to evaluate correctly and objectively the human rights situation in a given country. The Chinese government has refrained from casually making carping comments on the human rights situations in other countries. However, this does not mean that we show no care for the human rights issue in other countries. Due to differing circumstances, each country has its own merits and shortcomings in terms of human rights. We maintain that various countries should enhance dialogue to promote mutual understanding and draw on the successful experiences of others through exchange of views. This approach will be of greater benefit to the improvement of the human rights situation the world over. The US State Department publishes a report annually, evaluating the human rights situation in [illegible] countries. In my opinion, the United States might have been too bold by doing so.

SHENON: How do you comment on the human rights situation in the United States?

ZHU: I don't think that the human rights status in the United States is perfect in every respect, with a case in point being racial discrimination. While the United States finds fault with the human rights situation in other countries, in fact it has its own shortcomings.

SHENON: What will China do to improve the human rights situation?

ZHU: The solution to the problem regarding to the right to subsistence and development will remain a major issue in the coming years due to the fact that 80 million Chinese are still living under the line of sufficiency of food and clothing, which is not a small number. Politically, we will further strengthen the construction of socialist democracy and improve the people's congress system. I think the people's congress system is the most suitable for national conditions in China. Hence, China cannot adopt the American political system. The two-party system is perhaps the most appropriate for the United States.

SHENON: I've personally witnessed tremendous economic progress in China. In the future, will China advance in terms of freedom of speech?

ZHU: The economic boom in China fully demonstrates that the Chinese people enjoy more political rights and freedom. In fact, Chinese people have full freedom of speech in regard to how to go about building the country. At present, China has more than 7,000 newspapers and periodicals. In China, a saying, which is popular with both the government and the masses, goes that "human beings are the decisive factor". This is our code of conduct. Yet another slogan reads, "having faith in the masses, respecting the masses and relying on the masses". It is also known as "following the mass line". Our policies are based on the principle of "from the masses, to the masses". In other words, when making decisions, we must solicit and summarize extensive opinions from the masses. Formulated policies are presented to the masses for test. Simply because China has followed this principle, the Chinese people have supported the policies of the government. Why have China's revolution and construction scored such great success? Why has the Chinese economy witnessed such rapid growth? The answer lies in the fact that the Party and the government have won the endorsement and support of the people. Would the people support the government if they had been restrained and deprived of their democratic rights and if their opinions had not been accepted? This is why I contend that foreign opinions saying that China has scored economic expansion, but has no political freedom, are obviously misguided and do not explain the actual situation in China.

SHENON: The heart of the human rights issue the Americans are concerned about centers on political prisoners. Do you think certain Chinese people have been jailed simply because of their different political viewpoints?

ZHU: I don't think so. In China, only those who violate criminal laws are prosecuted. The counterrevolutionary crimes in China are clearly defined in the criminal code, which include murder, arson and robbery. I hope you will delve into the aspects related to counterrevolutionary crimes in China's Criminal Law and introduce overseas readers the true reality in China. As far as I know, no country in the world publishes regular reports concerning the status of prisoners, nor does any country submit to demands that the government provide details about a specific prisoner. Demanding such information simply represents an act of disrespect for the sovereignty of other countries. ■

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WANG GUOZHEN

Two New York drug addicts are on the street.

GLOBAL

China Leads the US In Human Rights

by Yu Quanyu

Not long ago the US State Department for the first time openly admitted that there still remain many issues to be resolved on human rights protection in the United States. This was revealed in the report to the UN Human Rights Committee submitted by Assistant Secretary of State for Democracy, Human Rights and Labor John Shattuck.

Shattuck wrote in the introduction to this report,"It is of little use to proclaim principles of human rights protection at the international level unless they can be meaningfully realized and enforced domestically." In the past, the United States has cruelly violated human rights through the enslavement of the African Americans and the following discrimination against them, destruction of the culture and society of native Americans and maltreatment of immigrants. In addition, women in the United States do not share equal rights with men.

Despite the current state of human rights protection in the United States, the US government, Congress and other notable figures have been attacking China for its serious human rights violations in the past few years. After a comparative study of the human rights records of China and the United States, I offer my general appraisal of China's human rights record:

Since the founding of the People's Republic of China in 1949, China's human rights conditions have fundamentally improved. The people are now the masters of their own country. We have won independence for our nation and realized equality between the sexes and for all ethnic nationalities. People's rights for a decent life and liberty are properly guaranteed, and living standards are rising year by year.

Due to inadequate natural resources and low economic and cultural development, China's human rights conditions are far from satisfactory. There are still shortcomings and problems, and sometimes cases of human rights violations do occur.

However, an all-round comparison will show that China is in many fields ahead of the United States in human rights protection. Although there is a big gap in resources and economic strength between China and the United States, the following illustrates the two nations' human rights records:

Life security. In 1990, 9.37 out of every 100,000 people were murdered in the United States, while in China the figure was less than two in 100,000. In the United States, 300 in every 100,000 were injured in attempted murders, while in China the figure was seven in 100,000. More than 70 women in every 100,000 in the United States were raped, while the figure was four in 100,000 in China.

Homeless people. In January this year, the US government admitted that there are 7 million homeless people living in the United States, and 3 million of them sleep in the open. We have 150,000 homeless people in China.

Number of prisoners. The United States, with a population of 260 million, has 1.1 million people serving jail terms, 455 out of every 100,000, which is a world record. Yet in China the ratio was only 99 to 100,000 in 1990, less than one fourth of that in the United States.

Death rate of prisoners. The death rate of Chinese prisoners in 1993 is 2.87 per thousand, and the rate for unnatural death is 0.24 per thousand, much less than that in the United States. This means the management of prisons in China is humanitarian.

The number of repeat offenders among released prisoners. The American rate is 41 percent and the Chinese rate is 8 percent. This can be an indicator that China does a better job in educating criminals.

Equality for all ethnic nationalities. China advocates not only national equality but also preferential treatment for ethnic minorities.

Women's status. The US government has admitted that the social status of American women in the United States is not as good as that of women in China. In the people's congresses at various levels, women make up over 20 percent of the deputies, while in the United States, the highest rate for women in the congresses is 18.4 percent.

The United States has not yet subscribed to the International Treaty of Eradicating All Forms of Racial Discrimination, the International Treaty of Prohibiting and Punishing Racial Segregation or the Treaty of Eradicating All Forms of Discrimination against Women. China has subscribed to all of them and faithfully complies with all their obligations.

In short, China has done a great deal for human rights, and in some aspects it has done better than America. Naturally, there is still a lot more for us to do before our ultimate goal is reached. However, the United States cannot resolve its own issues on human rights in a short period. ■

The author is vice-president of the China Society for Human Rights Studies.

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SALT LAKE TRIBUNE 5-4-94

Real MFN Story On China: Most Fiendish Nation

By Stanley T. Holmes
FOR THE SALT LAKE TRIBUNE

By June 4th, President Clinton will decide whether to extend most-favored-nation (MFN) trade status to the People's Republic of China. That date will also mark the fifth anniversary of Beijing's bloody crackdown on the Chinese democracy movement.

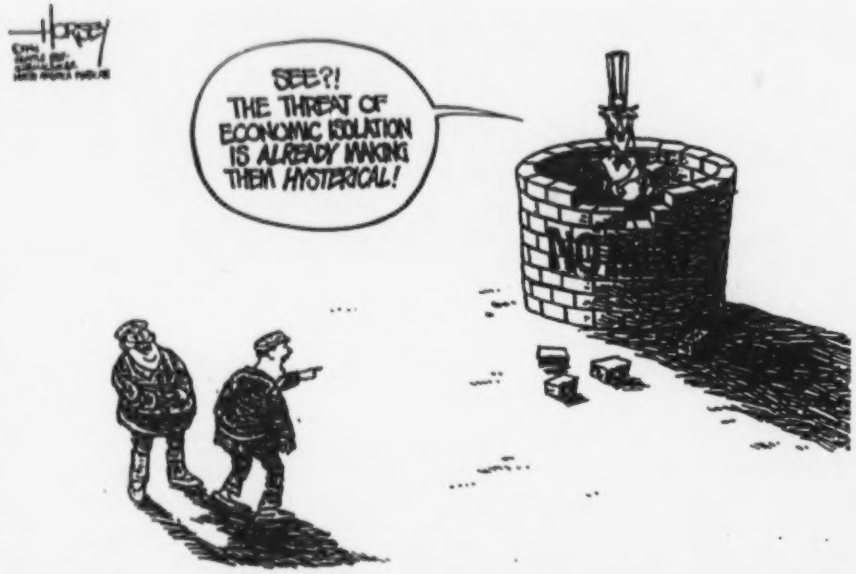
While some political analysts and business leaders now argue that U.S. trade policy should be de-linked from human rights issues, Americans ought to think about the key principles at stake in this decision.

Most-favored-nation status entitles a country to preferential treatment in its trade dealings with the United States. Benefits of MFN designation include lowered U.S. tariff charges on imports from the MFN country. Currently, several countries do not have MFN status because they have not met our human rights standards.

In June 1993, President Clinton reluctantly granted a one-year MFN extension for China, under the condition that China make "overall significant progress" in its human rights record or MFN would not be renewed this year.

This past February, the U.S. State Department released a global human rights report and its 34-page section on China concluded that "the [Chinese] Government's overall human rights record in 1993 fell far short of internationally accepted norms." According to the report, Chinese internal security forces "are responsible for widespread and well-documented human rights abuses, including torture, forced confessions, and arbitrary detentions. . . ."

Although China signed the Universal Declaration of Human Rights and the Convention Against Torture, U.S. officials report continued violations of these treaties, including: 1, "hundreds, perhaps thousands, of political prisoners" (3,172 by Beijing's own admission); 2, "torture by police and prison officials . . . in politically restive regions with minority populations like Tibet"; 3, harassment and detention of Christians and suppression of Tibetan Buddhists; 4, denial of legal safeguards, which have led to "extrajudicial killings by government officials"; 5, invasions of privacy, such that "telephone conversations are recorded, and mail is frequently opened and censored"; and 6, the banning of independent trade unions.


HORSEY
SEE?! THE THREAT OF ECONOMIC ISOLATION IS ALREADY MAKING THEM HYSTERICAL!
NO

Through its actions, China has even violated human rights provisions set forth in its own constitution.

American citizens need to recognize that China's human rights record challenges key moral standards accepted by the United States and the world community. Considering the label "most favored nation" as an honor bestowed upon a foreign country by our government, shouldn't we expect that any country deserving such an honor would exemplify the spirit of democracy we stand for? I think so.

Adherents of the "constructive engagement" trade approach argue that the current trend toward economic liberalization in China will eventually improve the political situation. However, a similar argument was rejected in the case of South Africa, and the resulting sanctions helped bring an end to apartheid.

Keep in mind that the U.S. currently employs trade sanctions against countries (such as Cuba) with human rights records no worse than China's. And, as the International Campaign for Tibet reminds us, China is still the world's largest police state.

Proponents of the status quo argue that suspension of China's MFN will spark a trade war and cost thousands of American jobs. The argument — a submission to Beijing's bluff — is weakened by China's need for continued access to Western markets and technology for its development. And even if some job dislocations did occur, it wouldn't be the first time Americans have made a sacrifice for the greater good of freedom.

Citizens of the free world certainly must not accept the argument that China's mistreatment of its people is a purely domestic affair and none of our business. Such a line of reasoning leads to the position that apartheid was South Africa's affair and the Holocaust was a German domestic problem. On the contrary, we have entered world human rights agreements because the progress of humanity is our business.

One way or the other, Washington's MFN decision on China will be a milestone in the post-Cold War era. Freedom's global advocates look to the United States for world leadership. Imagine yourself a political prisoner, rotting in a foreign jail. Of all the world's countries, which one would you expect to see first in line, fighting for the principles of democracy and your liberty?

If we decide to continue "business as usual" with China, we strike a blow at the already shaky foundation of human rights in the world. America's message, heard by tyrants in Burma and elsewhere, would then indicate that our ethics are situational and, like the Chinese communists, we value economic interests above individual freedoms.

The Clinton Administration must not extend MFN status for China until that country finally brings its human rights record up to international legal standards. The United States must not be a party to Beijing's policy of domestic oppression. Appropriately applied economic pressure can be an effective non-military means for bringing about the needed changes.

Fortunately, there are several China policy options available to the White House and Congress. These range from selective denial of MFN perquisites to measures that entail an overhaul of the entire MFN system.

China might first be denied trade benefits for selected commodities, rather than face penalties across-the-board. Selectively denied benefits could then be reintroduced as China improves its human rights record.

President Clinton could also seize this occasion to revise the trade status policy and implement a new multi-tiered system of trade categories. Only the most democratic governments would then qualify for privileged treatment at the top spot, and the most-favored-nation designation would finally attain a truthful meaning.

The likelihood that Washington will do the right thing in June depends on whether American citizens care enough to let President Clinton and members of Congress know there can be no "business as usual" while the Chinese government systematically abuses its people.

Stanley T. Holmes is president of the United Nations Association of Utah.

Kevorki
To Reso

By Arthur C
KNIGHT-RIDDER NE

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Some unemployed people waiting for supper in a non-governmental relief center in Baltimore, Maryland.

American Readers On the Human Rights Issue

China's Communitarian View

The Chinese view of human rights is best described as "communitarian." China places social order and responsibility above the rights of individuals. Hence, individuals do not have the same degree of sovereignty that individuals enjoy in the West. Recent history also helped shape China's view of human rights. During the last 150 years, the Chinese experienced periods of extreme poverty when millions suffered through starvation. At the same time, China was repeatedly invaded by foreign powers. For today's Chinese, therefore, the most important human rights are, first, a decent standard of living, and second, freedom from foreign domination. China's current economic modernization program is designed to give the Chinese people the two human rights they deem most important.

The US Individualistic View

The US view of human rights is best described as individualistic. Because individuals are viewed as sovereign, they are supposed to enjoy certain rights which no government may legitimately violate. This individualistic view has its intellectual origin in the Christian idea that God endows every person with a set of inalienable rights. The religious origin of this belief explains why Americans consider their concept of human rights as absolute truth and view any divergence from the individualistic concept as human rights violation. It also explains why Americans deem it their mission to disseminate the individualistic view of human rights to other parts of the world.

New US Policy Needed

Thus, China and the United States have very different views of human rights. In a world where diverse cultures coexist, cultural tolerance is not only a virtue, but also a prerequisite for world peace and prosperity. Instead of linking China's most-favored-nation (MFN) trade status to human rights, the United States should consider the strategy of friendly persuasion. The use of MFN status as a stick is unlikely to produce any fruitful results because the use of a stick makes the United States appear arrogant and self-righteous in the eyes of the Chinese. Friendly persuasion is much more likely to create the kind of atmosphere and relationship conducive to resolving irreconcilable differences between two sovereign nations.

by James C.T. Mao

Dear Editors:

Everyone must be careful not to become a pawn of certain larger forces that can take advantage of certain ideas.

The rights of people are first and foremost the right to have food, clothing and shelter, the rights to basic needs.

Government has a responsibility to include a wide

A student of the Johns Hopkins University tutoring the homeless children at a shelter for the homeless in Baltimore, Maryland, USA. Photos by SHANG RONGGUANG

James C. T. Mao is a professor of finance who has taught at the University of Michigan, University of California (at Berkeley and Los Angeles) and several universities in other countries.

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HUMAN RIGHTS AND CHINA

"QUOTES and NOTES" on East-West Human Rights Perspectives

"Western nations see...that democracy promotes economic development and peaceful relations among nations. In contrast, the leaders of many Asian nations see democracy as a hindrance to economic development, a threat to national and regional stability, and unsuited to Asia's political culture and traditions."

Muthiah Alagappa, in Democratic Transition in Asia: The Role of the International Community, East-West Center, October 1994, p. 2

"Asian political cultures...place a higher value on the rights of the community than on those of the individual and prefer effective governance to constitutional government."

Muthiah Alagappa, in Democratic Transition in Asia: The Role of the International Community, East-West Center, October 1994, p. 10

"It has become quite common in Asia, rightly or wrongly, to associate ... social ills in Western countries with excessive individualism."

Muthiah Alagappa, in Democratic Transition in Asia: The Role of the International Community, East-West Center, October 1994, p. 27

"What we are witnessing is...the end of...mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government."

Francis Fukuyama, quoted in Democratic Transition..., p. 3

"[T]he West has sought to project with new vigor the claim that democracy and human rights are universally valid norms."

M. Alagappa, op cit, p. 4

East and Southeast Asian governments "strongly contest the projection of democracy and human rights as universally valid norms. This contestation has at least five key strands:

1) The projected norms run counter to the key principles of sovereignty and noninterference in domestic affairs;
2) Democratization would undermine political stability and economic growth;
3) Human rights must be conceived broadly to include not only political and civil rights but also socioeconomic rights;
4) Liberal democracy is alien to Asian political culture; and,
5) Asia can no longer be dictated to."

M. Alagappa, op cit, p. 8

-continued-

HUMAN RIGHTS AND CHINA

QUOTES and NOTES (continued):

"[T]he West is pursuing a new basis for world domination...through "new protectionism" and by exporting decadence to Asian countries. The Chinese and Vietnamese governments refer to this as the threat of 'peaceful evolution.'"

M. Alagappa, op cit, p. 9

On MFN and trade:

"Tokyo...believes in the economic route to political liberalization and in informal dialogue and constructive engagement as opposed to the punitive conditionality approach preferred by Western countries."

M. Alagappa, op cit, p. 7

The Human Rights Society of China reports that the percentage of imprisoned criminals in the total population is lower in China than in the United States, women experience less discrimination than in the United States, and not a single person froze to death in China whereas 130 did so in the United States during a blizzard in January 1994.

Far Eastern Economic Review, July 7, 1994, p. 34

"Political and economic turmoil in Russia and several other Eastern European countries that embraced democracy ... discredited the democratic system..."

Muthiah Alagappa in Democratic Transition in Asia: The Role of the International Community, East-West Center, October 1994, p. 29

"...I find parts of [American culture] totally unacceptable: guns, drugs, violent crime, vagrancy, unbecoming behavior in public --in sum the breakdown of civil society. The expansion of the right of the individual to behave or misbehave as he pleases has come at the expense of orderly society. In the East, the main object is to have a well-ordered society so that everybody can have maximum enjoyment of his freedoms."

"The fundamental difference between Western concepts of society and government and East Asian concepts...is that Eastern societies believe that the individual exists in the context of his family. He is not pristine and separate."

Lee Kuan Yew, former prime minister of Singapore,
Foreign Affairs, March/April 1994, p. 111-113

"It is widely accepted that English political philosopher John Locke laid the foundation for modern democracy. But almost two millennia before Locke, Chinese philosopher Meng-tzu preached similar ideas. The ancient Chinese philosophy of *Minhen Zhengchi* or 'people-based politics,' teaches that 'the will of the people is the will of heaven' and that one should 'respect the people as heaven' itself. There are no ideas more fundamental to democracy than the teachings of Confucianism, Buddhism."

Kim Dae Jung, human rights activist in Republic of Korea,
Foreign Affairs, November/December 1994, p. 191

Christian Science Monitor
12-20-94

Trade War Looms For China, US

Who defines world trade rules? China wants to bend GATT rules for its peculiar economy. The US says no. With a Dec. 30 deadline looming, two giants face off.

By Sheila Tefft

Staff writer of The Christian Science Monitor

BEIJING

WASHINGTON and Beijing are staring each other down in a high-stakes, year-end battle over trade.

Last week, the United States toughened its line on demands for better patent and copyright protection in China. US negotiators broke off talks with Beijing and threatened to impose sanctions after Dec. 30 if China did not improve its enforcement of laws on intellectual property rights.

Growing US frustration over rampant copyright piracy parallels China's own impatience with US objections to the Chinese bid to rejoin the world trade mainstream by early 1995.

Earlier this month, China threatened to close its market to the West if the US continued to block its bid for reentry into the General Agreement on Tariffs and Trade (GATT) and to become a founding member of the new World Trade Organization (WTO) to be set up in January. China, which has been waging an aggressive campaign to rejoin GATT, has not been a member since the Communist victory in 1949.

But, unlike earlier this year when China used threats of cutting off access to its booming economy to turn American government policy its way, the US is not budging. In May, President Clinton reversed US policy linking low-tariff trade privileges with improvements in human rights but has so far withstood Chinese demands for quick action on GATT.

Nor does China appear ready to clamp down on rampant piracy of films, videos, compact discs, and computer software to satisfy US demands. At the end of the month, the US could either extend the Dec. 30 deadline by three months if the sides are close to a resolution or impose sanctions on $800 million of Chinese goods, the estimate placed on piracy losses by US companies yearly. Washington began an investigation into intellectual property-rights infringement in June.

'The day when the US produces its list for retaliation will be the day when China produces hers.

– Chinese trade minister

But a compromise appears unattainable before the deadline, since US officials contend that piracy has worsened during the 18-month-long negotiations on intellectual property rights. "The Chinese did not make serious offers," said a senior US negotiator in Hong Kong on Friday, announcing a suspension of talks.

"The day when the US produces its list for retaliation will be the day when China produces hers," Chinese trade minister Wu Yi was quoted as saying in People's Daily, the official party newspaper.

The low ebb in commercial relations between Beijing and Washington contrast sharply with the mood this summer after Clinton renewed China's preferential trade privileges known as most-favored-nation (MFN) status. In August, Commerce Secretary Ron Brown led a corps of US business executives to China, trumpeting warming economic ties between the frequent adversaries and securing Chinese pledges of lucrative business deals.

BEIJING: *Residents browse through books at a sidewalk bookstore. Many US companies worry about the lack of enforcement of China's patent and copyright laws. There is growing frustration on the US's part over the $800 million lost yearly due to piracy of intellectual property.*

But US insistence that China open its markets and honor international trade principles of publishing quotas and other trade restrictions, ending discrimination favoring Chinese companies and protecting foreign intellectual property, has soured Beijing. China, which withdrew from GATT in 1951 and has been trying to rejoin since 1986, places great importance on becoming a founding WTO member.

The two trade rivals are also gridlocked over the issue of whether to list China as a developing country in WTO. That would give Beijing more time and greater leeway than developed countries in implementing economic reforms.

Under a face-saving compromise proposed by the European Union, China would postpone its reentry into the world trade mainstream until next summer if it still can be considered a founding member of WTO. The plan is reported to be under consideration in Washington.

"The two sides are still far apart on the issues of agriculture and the services sector," says a Western economist in Beijing, explaining that the US and other Western countries want more access to China for agricultural products and sectors such as insurance and banking. "This will push negotiations into next year."

The parallel dispute over intellectual property rights is stiffening US resolve. China has tried to sway the US in its GATT application by courting US business support with business promises, a strategy that worked during the MFN debate.

But this time, the appeal has failed as many businessmen worry about patent and copyright security in China. US and government business leaders alike are concerned over the growing US trade deficit with China. During the first seven months of 1994, the deficit widened to $14 billion compared to $11 billion a year ago.

IN a recent contract that has given the US an important foothold in the Chinese software market, giant producer Microsoft Corporation last week signed a deal to design and launch the Chinese version of its Windows-95 software.

The pact clears away a major sticking point by allowing the faster, more powerful Windows to be rewritten with mainland Chinese characters and type style in contrast to the original Chinese version, which was developed in collaboration with Japan and Taiwan to different standards. The English version is due out in early 1995 with the Chinese software expected to be unveiled by the end of the year.

Microsoft ruffled mainland Chinese feathers by relying on managers and software developers from rival Taiwan to adapt Windows 95 and produce software that did not comply with mainland standards.

But Microsoft's ambitions to invest $100 million and become market leader in China pivot on a tougher government crackdown on rampant software piracy, company officials admit.

Unlike the rest of the world where most of Microsoft's revenues come from software applications, in China the firm makes money strictly on database products because "98 percent of the software is pirated," admits Charles Stevens, the Far East vice president.

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SLT 2-26-95

China, U.S. Ward Off A Trade War

As Part of the Pact, Beijing Shuts Down 2 Pirate Plants

COMBINED NEWS SERVICES

BEIJING — U.S. and Chinese negotiators today reached a tentative agreement on the protection of intellectual property, narrowly averting a trade war after all-night talks and early-morning raids by the Chinese military on a CD and laser-disc factory and a publishing company in Shenzhen.

Chinese and American trade officials were expected to sign the pact early this morning before U.S. sanctions on more than $1 billion worth of imported Chinese-made goods were set to go into effect.

"The agreement has not yet been sighed, but all indications at this juncture are that it will be a broad-ranging and highly detailed agreement on strict enforcement of U.S. intellectual-property rights as well as market access for U.S. companies and legitimate copyright works," said Charlene Barshefsky, deputy U.S. trade representative and the top American negotiator here.

A 20-page, single-spaced enforcement plan calls on the Chinese government to inspect during the next three months every one of the 29 CD and laser-disc factories in the country, and destroy pirated goods and equipment used to produce the goods. U.S. officials have confirmed that six of those plants already have been shut down during the negotiations.

A key sticking point was resolved early this morning when the People's Liberation Army raided and closed down the

■ See TRADE, Page A-4

A4 SLT 2-26-95

Trade: China, U.S. Reach a Pact

■ Continued from A-1

SALT LAKE TRIBUNE 2-26-95

Shenfei CD and laser disc plant in Shenzhen. The Zhuhai Special Economic Zone Audio-video Publishing House also was stopped from doing business. American officials considered the southern Chinese factory the most flagrant violator of copyrighted films and recordings in China. It gained notoriety for selling copies here of "The Lion King" video, which has not yet been released in the United States.

The accord also provides greater access for U.S. recording and film to the Chinese market, lifting existing Chinese quotas on imported movies and permitting revenue-sharing and distribution arrangements between American film studios and Chinese partners.

The agreement also addresses irritating issues for U.S. companies operating here. Although Chinese courts can impose fairly substantial fines and other penalties on violators of copyrights, patents and trademarks, in practice government prosecutors rarely ask for the maximum penalties and often ask for the minimum. Under the accord, there are assurances about seeking stiffer penalties for producers of knock-off goods.

The two sides also pledged to share detailed information about violators who are caught and prosecuted to make sure enforcement actions are followed through. Earlier, American companies complained that one pirate CD maker was briefly closed down and then allowed to reopen.

China pledged to create interministerial and interprovincial strike and task forces. China has said in the past that practical political and bureaucratic issues had obstructed its efforts to enforce laws protecting intellectual property.

The agreement appears to defuse one of the more explosive issues in current U.S.-China relations.

Although the steep tariffs the United States threatened to impose would have affected only a fraction of the roughly $37 billion worth of Chinese-made goods the United States imported last year, failure to reach an accord would have heightened tensions between the two nations.

China had threatened to retaliate by blocking U.S. companies from obtaining contracts in the country and had singled out the Big Three U.S. automakers for possible retribution. The three are competing for the right to invest in a venture that would make a family car for the Chinese market. China also threatened to keep the biggest U.S. exporter to China, Boeing, from getting new contracts for airplane sales.

The Chinese threats were seen as an effort to prod the American business community into persuading the U.S. trade negotiators to abandon certain demands in order to obtain an agreement. While some U.S. companies expressed concern about a possible trade war, many others backed the trade negotiators.

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CHRISTIAN SCIENCE MONITOR

China Attempts To Redesign a People With Draconian Law

By Sheila Tefft

Staff writer of The Christian Science Monitor

BEIJING

EUGENICS, taken to horrid proportions during its use in Nazi Germany, has been given a new life in Communist-run China.

A new law due to start in June requires Chinese couples with mental illnesses and other congenital disabilities to be sterilized or accept long-term contraception. And pregnant women with a hereditary disease or abnormality will be pressured to abort.

The so-called Maternal and Infantile Health Care Law is China's latest attempt to control its growing population, now at more than 1.2 billion. The law follows from the government's 15-year-old restrictive one-child-only policy.

A law due to start in June will force pregnant women with a hereditary disease or abnormality to abort.

The government insists such stringent measures are needed to spread the country's new prosperity and prevent population growth from outstripping the economy. It notes that China has 22 percent of the world's population and only 7 percent of its arable land and cannot be expected to control its population without strict official targets. "Statistics show that the country now has more than 10 million disabled persons, who could have been prevented if their parents had such a law to follow," the official New China News Agency reported.

Approved last October by China's top legislative body, the new law was passed almost one year after a similar proposed bill stirred a wave of protests internationally and also among some Chinese doctors and educators working with the disabled. That original draft barred reproduction by Chinese with mental and venereal diseases and widespread afflictions caused by poverty and poor health standards.

Outraged critics said that using abortions, sterilization, and marriage bans to "avoid new births of inferior quality and heighten the standards of the whole population," as the original bill proposed, would infringe on human rights.

Stunned by the international outcry, the government shelved the proposed legislation, renamed it, and wrote a new draft that excluded such high-charged terms as "eugenics" and "inferior" births. The term "eugenics" dates to the brutal birth-selection policy practiced by Hitler in Nazi Germany.

"This new law is giving China a very bad name," says a gynecologist who has presided over healthy births to couples with congenital health problems, whom the new law would prohibit from having children.

The new law could be tough on "inferior" people such as Mo Yi, who claims she has "certain genetic diseases."

"Getting into college or getting a job is very difficult for someone like me," says the chemistry student who wants to be a teacher. "I don't know what this new law will mean for my future."

The government has not yet spelled out how the new law will be implemented, although forced abortions and other kinds of coercion have been a cornerstone of Chinese family planning.

In an attempt to soften criticism from the West, the government highlighted another aspect of the legislation, which bans sex screening before birth through ultrasound, except when needed for medical reasons.

Despite official prohibitions, using ultrasound tests for gender selection continues to be easily arranged in many towns and cities. Given the cultural preference for boys to carry on the clan and take care of elderly parents, female fetuses are often aborted and baby girls killed, abandoned, or sent to orphanages. Many Chinese orphanages are filled with girls or disabled children.

"China cannot afford to educate, train, and provide for all these children," says a Beijing professor who follows the controversy. "This is a burden for China."

NEWSLETTER

EMBASSY OF THE PEOPLE'S REPUBLIC OF CHINA

No. 12

Dec. 2, 1994

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(1) CHINESE POSITION ON RELEASE OF VIET BOAT PEOPLE
(2) NO CHANGE FOR FILIPINOS' STATUS IN HK AFTER 1997

7. BBC VIDEO SHOWING ORGAN TRANSPLANTS IS A FAKE

1. CHINA REITERATES GOAL OF MOTHER-AND-CHILD HEALTH LAW

The Mother-And-Child Health Care Law, adopted by the Chinese National People's Congress Standing Committee on October 27, will come into force on June 1, 1995.

The goal of the law is to ensure the health of mothers and infants, and improve the quality of the newborn population.

Operations to terminate pregnancies mentioned in the law are voluntary, and must be agreed to in writing by the persons concerned.

The law provides that if a fetus is diagnosed as carrying a hereditary disease or is seriously abnormal, or if the birth seriously threatens the life of the woman or the baby, the woman will be advised to terminate the pregnancy.

People suffering from serious mental or contagious diseases will have to defer marriage.

The kinds of hereditary or contagious diseases will be dealt with in separate regulations.

The ban by the law on sex identification before birth is intended to bar sex discrimination.

Some people who are trapped in the backward traditional Chinese concept that boys are better than girls may take advantage of the technology to abort female infants in the hope of giving birth to boys later.

Although such cases are rare, they should be clearly prohibited by law.

China is well equipped for the implementation of the new law. It has 250,000 doctors specializing in mother-and-child health care working in a total of 2,791 hospitals.

2. FROM THREE GORGES

SPECIAL LOANS FOR FIRMS IN THREE GORGES AREA

China will earmark several hundred million yuan each year for the nearly 1,600 enterprises which are to be moved from the Three Gorges construction site and relocated.

CHINA

Quality Control

Eugenics bill defended against Western critics

By Lincoln Kaye in Beijing

At the Handicapped Service factory in Nanshuigou Lane, the duty matron beams protectively over a room full of retarded adults assembling powder-puff compacts. She is convinced that her charges are under no real threat from China's new draft eugenics law. What does it matter if they're barred from marrying or producing offspring? "They're so innocent, just like children," she sighs. "What do they know about boy-girl stuff. Or at least most of them . . ."

There was, of course, that couple among her wards who used to meet for secret assignations in a neighbourhood shed, until they were discovered by the local street committee. "Sometimes it's hard to know what they're thinking," she concludes. "They may perceive themselves very differently from the way we see them."

No such qualms seem to have perturbed the Chinese Government as it assembled the bill on eugenics. According to a December 20 dispatch by the official Xinhua News Agency, the legislation aims to prevent "inferior births." It mandates sterilisation, abortions or celibacy for people with hereditary, venereal or reproductive ailments, severe psychoses or infectious diseases such as hepatitis B.

Domestically, the draft law on "Eugenics and Health Protection" created hardly a stir, coming amidst a flurry of trade, tax and investment protection legislation of much wider interest. But overseas, the proposed eugenics statute sparked renewed fulminations from American editorial writers accustomed to denouncing China's coercive birth-control policies.

As momentum gathers for the yearly U.S. Congressional debate on Beijing's preferential trading status, the regime can ill-afford more bad press. A spokesman for the Public Health Ministry hastened to disown the language of the Xinhua story.

Awakening belatedly to the connotations of the word "eugenics" in the West, the ministry rechristened the draft statute as a "Natal and Health Care Law" — a change reflected only in English; the Chinese title of the law remained the same. Not only in name, but also in "essence," the spokesman pronounced, China's "better births policy is totally different from the racist 'eugenics' policy of Adolf Hitler." For one thing, all abortions under the new law will be strictly voluntary, he explained. Whatever doctors may advise, no pregnancy will be terminated without the consent of the patient or her guardian.

China's toll of congenital disabilities is simply too high to ignore, health officials add. Nearly 10 million Chinese — almost 1% of the population — were born with "preventable" defects, and the number is increasing by almost half a million per year, according to government estimates.

"Combining state guidance with individual choice," the Health Ministry spokesman said, the draft law simply furthers the keystone objective of China's population policy: "To control quantity while improving quality." Cynics counter that the "qualitative" eugenics law is likely to be circumvented even more easily than existing "quantitative" birth control policies in precisely the provinces where it is needed most — the remote backwaters of western and northern China.

Now Beijing wants a quality check as well.

Inbreeding in these places has made for whole "idiot villages," according to China's *Red Cross News*. To revitalise the collapsing gene pools of the hinterlands, peasants have taken to "buying" brides kidnapped from other provinces, according to an article by investigative reporter Zheng Yi in Hongkong's *Dang Dai* magazine.

People who are desperate for offspring aren't likely to be thwarted by bureaucratic fiat, public health officials say. Local cadres in remote areas are more likely to meet their eugenics law quotas simply by falsifying their reports. That approach may account for a large part of the "successes" claimed for provincial-level eugenics laws enacted in the late 1980s in provinces like Liaoning or out-of-the-way Gansu, suspects one Beijing-based public health physician.

And even in the cities, she adds, "quality control" tests of blood and semen samples for marriage licence applicants, required in Beijing since 1983, can be easily evaded by anyone with any official connections. A translator for a foreign multinational says it took him three months of bureaucratic haggling, about Rmb 300 (US$35) in cash bribes plus assorted gifts of tea, wine and cigarettes to win the right to have a second child when he remarried after an earlier divorce. Now he fears he might have to go back to square one under the new law, since his brother suffers a congenital bone disease.

"The irony is that my brother's condition has nothing to do with any gene pool," the translator adds. "It isn't even hereditary; it's the result of my mother's botched attempt to induce a chemical abortion with Chinese herbal medicine. But try to explain that to your work unit cadres. These people aren't exactly cellular biologists, but this new law gives them life and death power over you."

Nor is bureaucratic incompetence the worst danger in the exercise of such power. Authorities have been known to use psychiatric hospitalisation to dispose of inconvenient dissidents, most recently in the case of Xing Jiandong, a 28-year-old student deported from Australia, according to a protest lodged by Amnesty International.

"If, under this new law, they add the threat of forced sterilisation to the arsenal of political repression, it would by no means be the first such instance in Chinese history," a diplomat points out.

But the state's interest in genetics may ultimately transcend the level of individual citizens. China's Natural Science Foundation in November announced the launch of a 19-member research team to isolate the quintessentially Chinese genes among the 100,000 terms of genetic code borne by human DNA.

The research effort is offered as China's contribution to the international Human Genome project. Some of the project's objectives, as reported in the official *People's Daily*, offer the added advantage of national consciousness-raising. In what could turn into a potentially useful exercise to bolster Beijing's sovereignty claims over minority populations and their lands, the researchers will "analyse the meaning of heredity [and] supply a biological basis to discern the dissemination and distribution of the Chinese race," the paper said. ■

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China Softens Bill on Eugenics

New Law Will Not Force Mothers to Abort 'Inferior' Fetuses

By Steven Mufson
Washington Post Foreign Service

BEIJING, Dec. 29—Stung by foreign criticism last week of a proposed "eugenics" law to prevent births of children with defects, China said today that it will not coerce mothers into having abortions.

"The essence of China's better-births policy is totally different from the racist 'eugenics' policy pursued by Adolf Hitler during his Third Reich," said a Public Health Ministry statement carried by the official New China News Agency.

The statement also gave the proposed legislation a new name: "Draft Natal and Health Care Law." Last week it had been titled: "On Eugenics and Health Protection."

But the new version of the law would still make demands on some couples, a Public Health Ministry spokesman said. It would require certain couples to postpone marriage or take long-term contraceptive measures after marriage. These include couples diagnosed as having reproductive diseases, hereditary diseases that lead to seriously sick or disabled children, schizophrenia, manic-depressive psychoses and other severe psychoses, or acute infectious diseases, including venereal diseases.

As described last week, the law would use sterilization, abortion and bans on marriage to prevent affected people from passing on hereditary mental disabilities and certain diseases, including hepatitis, to their children. It was designed to "to avoid new births of inferior quality and heighten the standards of the whole population," the news agency had said.

Today, a government spokesman disavowed that language, saying: "The official English translation of the new Natal and Health Care Law will not be finalized until the law is promulgated." Ordinarily, draft laws are adopted by the National People's Congress without any significant change.

The spokesman stressed that the aim of the law is to prevent the birth of people with serious hereditary diseases or mental disabilities.

> *"The essence of China's better-births policy is totally different from the racist 'eugenics' policy pursued by Adolf Hitler."*
>
> Beijing Government Statement

As a relatively poor, developing country, China is a place where such people face considerable difficulties.

The government said as many as 460,000 children a year are born in China with birth defects and disabilities that could have been foreseen with testing. It said there are about 10 million people with similar congenital problems living here whose births could have been prevented.

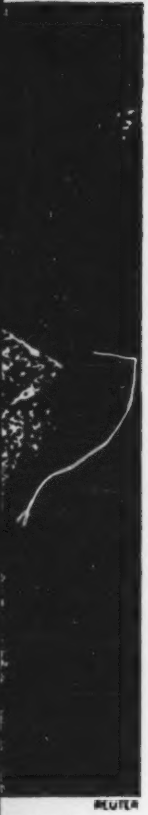
While parents in the United States routinely undergo genetic testing to detect potential birth defects, that testing is a matter of personal choice and conscience. The drafting of a government policy in China raised concerns about the degree of coercion involved, a concern exacerbated by controversy over the degree to which coercion has been used in China's policy of one child per family.

Last week, the Public Health Ministry would not answer questions about how the new proposed law would be implemented. But a ministry spokesman said today that even if a doctor advises a woman to have an abortion because she is likely to give birth to a disabled or sick baby, the draft law stipulates that termination of pregnancy must be with the agreement of the woman or her guardian.

"This provision indicates that the law respects the right of individuals to make their own judgments and reflects the principle of combining government guidance with individual choice," the spokesman said. "The law will serve to prevent or reduce the number of births of seriously sick and disabled children [and] improve the quality of the Chinese population."

The purpose of China's new law is "to give birth to healthy future generations; the essential content is health care for mother and child," he added.

The earlier description of the law also mentioned hepatitis, a liver disease common among Chinese people. Hepatitis A can be cured, but hepatitis B is more serious and can be passed on to children by their mothers and can lead to chronic liver problems.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Ser

THE CHINA LETTER

IVERSITY OF UTAH
RARIES

DEC 22 1994

SERIALS ORDER DEPT

Number 271

November 1994

Dear Sir:

IF SHE ABIDES by the latest of China's numerous and draconian laws and regulations on population control, Liang Meiling will never be able to experience the happiness and hard times of marriage, the pleasures and pains of childbirth, or the joys of motherhood.

For the simple reason that she is simple-minded she is prohibited from getting married and giving birth under a new law just enacted by the Standing Committee of China's National People's Congress (NPC).

She may be too simple to meet the qualification of fitness laid down in the provisions of that new eugenics law——officially, the "Maternal and Infantile Health Care Law"——but she is not so simple that she cannot earn her own livelihood.

The 26-year-old Ms Liang is earning her living by working at a joint venture plastics factory in the Zhuhai area of South China.

Her relatives in Hong Kong, who see her frequently, say that she falls into the category of what the new law describes as "those suffering from mental and contagious diseases."

The way they see it, that means she will not be given permission to get married or have children.

The rationale behind this draconian legislation is that it will help prevent births of inferior or handicapaped children.

Chinese reports explaining the new law say that China currently has more than 10 million people whose births could have been prevented by such a law.

Since she may be considered a borderline case, it's possible that Ms Liang might not be affected by the new law when it goes into effect on 1 June 1995. But her relatives are convinced that she will be what they call a victim of the new law.

ONE OF THE HEALTHIEST aspects of China's reform movement is the free-spirited debates over economic policy that are taking place.

These debates are raging not only within government planning councils and "think tanks" but also in a growing number of public forums.

Most of those public forums have emerged since the mid-1989 crackdown brought on by the "Tiananmen Massacre", many within the past year or so.

Let's look briefly at a few of these discussion groups which meet regularly in Beijing.

One is the "China Market Economic Forum", which meets under the auspices of the Beijing Kaida Economists Consulting Center. It was founded by HE WEI, the center's director and a professor at the Chinese People's University.

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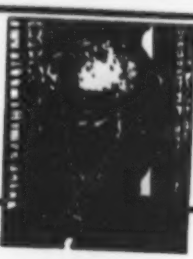
THE 5TH COLUMN



John S. Aird, a specialist on the population of China at the U.S. Bureau of the Census from 1957 to 1985, is author of *Slaughter of the Innocents: Coercive Birth Control in China* (Washington: American Enterprise Institute).

The Force Be With You

By John S. Aird

When China's Ministry for Public Health first announced a "Draft Law on Eugenics and Health Protection" calling for the use of abortion and sterilization to "avoid new births of interior quality people and heighten the standards of the whole population," there was a flurry of denunciations in the rest of the world. A week later the ministry reacted by saying that its eugenics policies were "totally different" from those practised by Adolf Hitler and announced that the preferred English translation was now "Draft Natal and Health Care Law." And with this retreat into euphemism virtually all outside criticism has been stilled.

As someone who has long followed China's population programme, I have always been puzzled by the reluctance of outside groups to take China to task for the violations of this the most private and fundamental of personal rights. In the past, those who preferred to look the other way could say the evidence was unclear, but that is no longer the case. Last April, the chief of China's State Family Planning Commission, Peng Peiyun, revealed that China had suddenly met in 1992 population targets not considered attainable until well past the turn of the century. The *New York Times* reported the figures in conjunction with a story focusing on the attendant upsurge in coercion. Peng herself attributes the sudden drop in fertility to "strengthened leadership" and the "mobilisation" of the whole society — which in Chinese political jargon means using all powers at their disposal to make local leaders pay for any failure to attain Beijing's targets.

This is not the first time a crackdown has paid off. In 1979 harsh enforcement of the one-child limit reduced China's total fertility rate (the number of children the average woman will have over her lifetime) to 2.24 in 1980. The previous peak in coercion was reached in 1983, when surgical teams roamed the Chinese countryside under orders to insert IUDs in women with one child, sterilize couples with two or more children (nearly 21 million people were sterilized) and abort unauthorised pregnancies, all of which brought the total fertility rate to 2.20 by 1985. Based on the 1992 figures, the *Times* reported that the total fertility rate is now between 1.8 and 1.9 — well below the replacement rate of 2.1.

Despite the overwhelming evidence of coercion and brutality, many of the leading international family-planning agencies have turned a blind eye. In 1979 the UN Population Fund (UNFPA) negotiated the first of three five-year programmes of assistance to China's population activities, ignoring evidence of coercion. In 1983 a UN committee advised by the then-UNFPA director gave its first two population awards to Indira Gandhi, whose government had fallen several years before partly because of its support for a coercive sterilization drive in 1976-77, and to Qian Xinzhong, who directed the 1983 crackdown. Until 1993 UNFPA officials steadfastly denied the Chinese programme was coercive, although in the spring of 1983 I had sent them a stack of evidence from my files leaving no doubt that it was.

> ‘How ironic that the same population groups that never noticed China's coercion in the past today claim to exert a "moderating" influence on it’

Other agencies promoting family planning parroted the same line. In 1983, the International Planned Parenthood Federation welcomed the Chinese Family Association into full membership in the Federation and decided against endorsing a strong human-rights report prepared by one of its working groups. The federation has since given more than US$8 million in financial and technical assistance to its Chinese affiliate. In 1984 the Population Institute expressed approval for coercion "in the near future" for countries that failed to promote voluntary programmes in time; its director insisted the Chinese programme was not coercive. Some demographers also tried to hide the fact. One centre produced a monograph on the Chinese programme that did not mention coercion. Asked to review the draft, I pointed out the omission and supplied copies of sources from China for them to cite. But the published version still avoided the subject.

In 1981, when I questioned China's coercive tactics at an international population conference in Manila attended for the first time by demographers from China, many in the audience were outraged. The next year a leading family-planning advocate attempted (unsuccessfully) to prevent the publication of my Manila paper. A demographer tried (again unsuccessfully) to discourage the publication in 1990 of my monograph on coercion in the Chinese family-planning programme.

Now that the coercion in the Chinese programme can no longer be concealed or denied, both the UNFPA and the International Planned Parenthood Federation argue that their assistance to the programme does not relate directly to its coercive aspects and, paradoxically, makes the programme less coercive. How ironic that two groups that never noticed coercion in the past now claim to exert a "moderating" influence on it! In any case, both obviously intend to continue their support, which the Chinese Government cites as proof that the whole world approves of their programme. No wonder the Chinese authorities felt free to launch a new escalation of coercive measures in the 1990s.

Meanwhile, the Clinton administration still plans to give the UNFPA US$40 million for 1994 if it promises that no U.S. monies will go to China, reversing the policy of the previous two years administrations, which withheld funding from the UNFPA because of its support for a clearly coercive family-planning programme. We know what signals the Chinese are sending. But what signals are we sending? ■

AMNESTY
INTERNATIONAL
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STATEMENT by DR. WILLIAM F. SCHULZ
Executive Director, Amnesty International USA

Press Conference on torture in Tibet and China
National Press Club, Washington, D.C.
May 12, 1994

CHECK AGAINST DELIVERY

Torture is an ugly thing. It is easy to turn our eyes away from ugly things, particularly if looking at them may cost us money. But the price of ignoring something as ugly as torture is moral corruption of the worst kind.

This morning Amnesty International will not only put a face on torture; we will show you the very instruments which are used to carry it out. We are very grateful to John Ackerly, a specialist in Tibetan affairs and Director of the International Campaign for Tibet, for helping make this press conference possible.

Over the past few months this nation has been engaged in a great debate over the renewal of Most Favored Nation trading status for China (MFN). Amnesty International does not take a position on MFN but there is one thing we will not allow to have happen: we will not allow China, the United States government or the business community to pretend that the human rights situation in China is improving when it is not.

While we in America debate whether tariffs should be lowered on only some products or commissions appointed to find compromises with terror, the Chinese continue to inflict untold suffering upon the Chinese and Tibetan peoples. Thousands upon thousands are held for years on end without trial in so-called "re-education through labor" camps; hundreds are executed every year, some for crimes as trivial as selling fake fertilizer. And torture of the cruelest sort is practiced regularly throughout China.

Amnesty International is an independent worldwide movement working impartially for the release of all prisoners of conscience, fair and prompt trials for political prisoners and an end to torture and executions. It is funded by donations from its members and supporters throughout the world.

CHAIR, BOARD OF DIRECTORS Mary W. Gray
VICE CHAIR, BOARD OF DIRECTORS Alicia Partnoy
EXECUTIVE DIRECTOR William F. Schulz
DIRECTOR, WASHINGTON OFFICE James O'Dea

Nowhere is this type of treatment more prevalent or severe than in Tibet whose people are viewed and treated with the utmost contempt by the Chinese. Consider just a few individual cases:

--that of Lhundrup Gaden, a former monk beaten so severely around the head that he is now reported to be paralyzed from the neck down;

--or that of Ngawang Tsepak, a Tibetan nun arrested along with other nuns for staging a peaceful demonstration, stripped naked, her hands tied behind her back, suspended by her arms from a tree and given shocks by electric batons;

And it's widespread in China, too.

-- Consider Peng Yuzhang, a retired professor was arrested for participating in a peaceful demonstration and strapped to a "shackle board." A "shackle board" consists of a wooden door laid flat on four legs to which a prisoner's arms and legs are handcuffed at the corners. A hole in the board allows for evacuation of urine and excrement. Mr. Peng was attached to such a contraption for three months and then reportedly committed forcibly to a psychiatric asylum.

Now one of the great ironies of this situation is that the treatment prisoners like these have suffered is in direct violation of both the Chinese Constitution and its Criminal Procedure Law which prohibits, and I quote, "extortion of confessions by torture." China has even ratified the UN Convention Against Torture and it is true that it has released several political prisoners and begun talks with the International Committee for the Red Cross (ICRC) to allow a visit by that humanitarian organization.

Naturally we welcome these steps but we believe that they constitute only superficial attempts to appease the world and divert attention from the fact that China is continuing to practice torture remorselessly and systematically.

Once the debate about MFN is over--no matter how it is decided--once the debate is over, torture in China and Tibet will continue. Amnesty International insists that that fact not be ignored for to ignore it would send a frightening message to the world: that thumbscrews and electric batons and shackle boards can be applied to anyone, no matter how innocent, without consequence.

Amnesty International calls upon China, the United States and the business community to each take appropriate steps to end torture.

We ask China to uphold its commitments to international law and its own domestic statutes; to prosecute torturers with the same vigor as it has recently pursued an anti-corruption campaign and to introduce proper training procedures for its law enforcement officers.

We call upon the United States government simply to tell the truth in the debate over MFN and to remain firm in its long-term commitment to human rights in China and Tibet. The President's executive order on MFN calling on China to "ensure humane treatment" has not been met and the Administration would be badly advised to suggest in any way that it has. Furthermore we ask the United States to press the People's Republic of China to ensure access to detention centers by the Red Cross and unhindered access to the country by other international groups like Amnesty International which has consistently been refused entrance. And we request the United States to call upon the United Nations to send its Special Rapporteur on Torture to China.

Finally we address ourselves to the business community. A few members of that community have taken concern for China's human rights record seriously but the vast majority have not. Most of them, like Coca-Cola, one of the largest investors in China, have claimed that if business is simply allowed to make inroads into the Chinese economy, human rights will take care of itself. This is sort of a variation on the slogan "Things go better with Coke." But things will only go better with Coke if Coca-Cola and all other American businesses with interests in China are willing to utilize their unique leverage to pressure the Chinese government to end its use of torture. We call upon American business to adopt voluntary Codes of Conduct which commit them to exert such pressure. Business must understand that only social and political stability can protect its investment in China or its reputation here at home. The American people do not want to buy products associated with thumbscrews, electric batons and shackle boards.

Torture is an ugly thing. What you will see and hear about this morning is not pretty. But it is real. And it is all of our jobs to do all we can to stop it.

END

INTERNATIONAL
CAMPAIGN
FOR TIBET

DESCRIPTION OF TORTURE INSTRUMENTS

1. Steel handcuffs with self tightening device.

Each hand cuff consists of two half circles. On the outside of one half there are 21 indentations. This indented part slides into a slot with inverted indentation. As the hands in the cuffs move, the cuffs close tighter and tighter around the wrists. In the tightest position, the arteries, nerves and tissue can be severed or damaged.

2. Thumb cuffs.

Ex-prisoners have testified that these thumb cuffs were used on them during arrest and interrogation. One of the ways the cuffs are used is to link the thumb of one arm bent down over the shoulder with the other thumb pulled around behind the lower back.

Electric Batons

According to Dr. Robert Kirschner, a forensic pathologist who has a specialty in torture equipment and their medical consequences, the three electric batons brought out by Palden Gyatso are quite unusual and crude. One of the batons indicates it is 15,000 volts which can cause brain damage, memory loss and other cognitive problems if used on the head, according to Dr. Kirschner. Tibetan prisoners, including Palden Gyatso, report that they are often shocked on the face, skull and neck area. Electric batons are banned in most U.S. cities because of the susceptibility that they will be misused by police. Like "positional" tortures such as hanging prisoners by their arms or thumbs using the devices described above, electric batons can be applied without leaving any physical trace.

3. Electric shock device #1.

This device, which appears to be a combination electric baton/flashlight is made in Jiangsu Province specifically for police uses. The nine inch-long device made of plastic and metal has buttons on each side to operate it. The text on one side reads: "*WD1 Electric Shock Gun, Jingjiang Radio no.4 Factory. Keep out of the reach of children and other people who might touch it.*" The text on the other side reads: "*WD1 Micro electric shock device, specifically designed and manufactured for Public Security People's Armed Police and High Security personnel.*" Voltage is listed as "15KV" which is 15,000 volts.

4. Electric shock device #2.

This sturdy black plastic and metal device is probably designed to also be used as a club. Many prisoners report being beaten with electric batons while being shocked by them, and after their batteries have worn out. A sticker on it with a red star clearly identifies it as a weapon of security forces. Chinese characters on another sticker say: "*Certified by Jingung Security equipment factory.*"

5. Electric shock device #3.

This 9 inch device is the most unusual in that it has 3 metal bands around the shaft, rather than two prongs at the tip that the other two batons have. The tip of the device also contains a small light bulb. Chinese characters on the sticker say that it is manufactured in Anhui province for the police.

TSULTRIM DOLMA, biographical background

Tsultrim Dolma, a 24-year old Tibetan nun, came to the US after her escape to India in 1991. She left Tibet after being arrested and tortured in detention.

In 1988 Tsultrim was arrested by the police for shouting slogans criticizing Chinese rule in Tibet. She recalls: 'Some nuns from my nunnery and I decided to demonstrate in order to support our heroic brothers and sisters in Lhasa who had been arrested and who were in prison.'

On April 16, 1988 Tsultrim and five other nuns staged a peaceful demonstration on the Barkhor, the main square in the Tibetan capital Lhasa. The four young nuns were soon appraocehed by policemen who spread out and grabbed each of them. They were taken to Gutsa detention center. Tsultrim was fiercely kicked and beaten as she was interrogated. Then she was dragged to the prison courtyard where three of the other five nuns were standing with their hands against the wall. Tsultrim had to join them. Six policemen took each nun in turn, held her down and beat her with electric prods and a broken chair. Tsultrim was beaten so hard that she could hardly breathe.

After her release a few months later, Tsultrim roamed around for a few years. Having been politically active, she was not allowed to rejoin a nunnery. One night a group of Chinese soldiers surrounded her. One of them took off his shirt, tied it around her head putting the sleeves in her mouth. She was not able to cry out loudly while the soldiers raped her.

In 1991 Tsultrim escaped to India where she stayed until she left for the US.

Asked what makes Tibetan nuns so brave in their support of the Tibetan cause, Tsultrim replied: 'Seeing so many people suffering I realized that I couldn't just sit back and watch these events occurring all around me. I believe that all the other nuns are strong for the same reason.'

E/CN.4/1994/NGO/24

TIBET

UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1994/NGO/24
16 February 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights
a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[4 February 1994]

Human rights violations in Tibet

1. The International Federation of Human Rights (IFHR) expresses its serious concerns over systematic and gross violation of human rights and fundamental freedoms in Tibet by the People's Republic of China and regrets that no concrete measures are being taken by the Chinese authorities to end its four decades of repression and occupation in Tibet.

2. Today, the people of Tibet suffer from serious, continuing human rights violations which affect their lives as individuals and threaten their distinct cultural, religious and national identity as a people. Under Chinese colonization, Tibet is slowly being transformed into a land of Chinese settlers wherein the Tibetans are becoming an insignificant minority in their own country. The last four decades of Chinese rule in Tibet has systematically denied the Tibetan people the rights enshrined in the international human rights instruments. Population transfer, coercive birth control policy, religious intolerance, arbitrary arrest and detention, lack of freedom of expression and assembly, racial discrimination are some of the major human rights problems in Tibet to which IFHR wishes to draw the attention of the Commission on Human Rights at its present session.

Population transfer

3. There is international concern over reports of massive movements of Chinese into Tibet during the last decade. The current population trends in Tibet show the Tibetans being pushed further and further away from the mainstream. Day by day their legitimate role in the political, social, economic and cultural aspects of life in Tibet is becoming irrelevant. Tensions have increased as the Tibetans find themselves losing most of the opportunities in employment, housing, education and health care to Chinese settlers. The authorities are normally seen as approving these Chinese settlements.

4. Various independent reports state that during the past few years the Chinese population has increased dramatically in Tibet, particularly central Tibet. The formation of separate and distinct Tibetan and Chinese communities in most Tibetan towns indicates how far the settlement of the Chinese population in Tibet has gone. The Chinese authorities, far from doing nothing to control the influx of Chinese settlers into Tibet, have instead created new situations which will bring more Chinese into Tibet. One such situation is the lifting of check-points on the eastern borders of Tibet and proclaiming the "economic opening-up" of Tibet. The other is the growing number of shops and apartment buildings in many towns in central Tibet. Travellers to Tibet described these new situations: "Once-impoverished peasants from China's nearby Sichuan Province profiteer by buying raw materials from Tibet at State prices or by selling 'imported' Chinese goods on the free market. They share their riches with Chinese Communist Party officials who issue business permits and fund new military projects outside the city". This shows that the Chinese

authorities actually encourage and support the settlement of the Chinese population in Tibet, despite officially denying it. Through population transfer the Chinese authorities are violating yet another fundamental human right of the Tibetan people.

Coercive birth control in Tibet

5. The rapid implementation of the Chinese birth control policy in Tibet is another major concern of the Tibetan people. Tibetans claim that Tibet is under-populated, needing more human resources, while the Chinese authorities regard birth control in Tibet as a way to achieve "population quality". The Chinese authorities normally reject Tibetan views on birth control as "stubborn adherence to old customs and tradition". The fundamental question of the people of Tibet is whether this Chinese policy is another attempt to eliminate their instinct identity.

6. There is now credible and documented information that Chinese birth control practices in Tibet are being carried by irrational policies. The insidious Chinese system of restrictions on who may give birth, at what age and where, and fines of up to 2,000 yuan (US$ 233) for "illegal" children, and incentives for one-child families, including payment of 50 yuan plus five yuan per month, job promotions, etc., have forced women to abort or succumb to sterilization.

7. The Chinese authorities patronize their "family planning" campaign as essential since the "excessive growth of population has relatively slowed down the growth of economic development in our region". The policy to forcefully implement their birth control campaign in Tibet, without considering the rationale in the region, suggests that Tibetans will continue to face increasing pressure to limit the size of their families. For example, a birth control policy implementation strategy formulated by the "family planning" Office of Chabcha (Gonghe) in north-eastern Tibet and presented to the "district people's government" on 25 January 1991, which was published as document No. 90 and brought into force by a notification dated 24 June 1992, reveals that a high degree of coercion is being used among the Tibetans in the area, including specifically, among the farmers and nomads.

Religious intolerance

8. Reports and other evidence in 1993 show that Chinese authorities continue to implement a policy of discrimination based on religion in Tibet, through administrative bodies like the "Democratic Management Committee" and "Work Teams", and there is, of course, no change in the official Chinese position that one must "love the Communist Party" in order to have the rights to religious belief. Important Tibetan religious festivals (like the Monlam or the Great Prayer Festival) and prayers like Gyalwae Shabten and Dentsig Monlam remained banned.

9. The Chinese authorities have launched further "political re-education campaigns" in five nunneries in and around Lhasa: Tsamkhung, Gari, Chupsang, Shungseb and Mijungri. These campaigns are conducted by "work teams", known

in Chinese as gonzuo dui, which last year spent up to three months in regular visits to each of the above nunneries. More than 400 monks and nuns were expelled from their institutions when similar "re-education" campaigns were launched in 1990.

10. In a new attempt to limit the number of monks and nuns in Tibet, official Chinese publications have announced in 1993 that they "have decided to limit the growth in the number of monks". However, this decision seems to have ignored repeated appeals from various Tibetan monasteries to increase the number of monks or nuns. For example, at a Chinese Conference in 1992 many delegates suggested that due to a "ceiling" on the number of monks, their institutions are unable to fulfil their religious responsibilities. One delegate from Ngari (Ali) told this meeting: "In most of the monasteries in the Ngari area there is not even a single monk or nun. Therefore, the villagers are trying to be the keepers of these monasteries. In a few monasteries there are one to two monks or nuns but all of them are very old. For instance, Thonding monastery, an historically important monastery with many precious religious artifacts, has not even a single novice .... With the present number of monks it is difficult to carry on our daily religious responsibilities and also to protect and preserve the religious articles in our monasteries". Therefore, external propaganda successes are basically what the Chinese authorities target to achieve by allowing the Tibetans a limited form of religious freedom in Tibet.

Intensified repression

11. Through their campaign against "counter-revolutionaries" and "splitists", the Chinese authority repeatedly calls for the total suppression of the freedom of expression and assembly in Tibet. For instance, Zhang Zhu, political commissar of the armed police force in the "Tibet Autonomous Region", was awarded the military title of major general by the Chinese authorities in Lhasa on 1 January 1994. Zhang Zhu was praised for "taking a clear-cut stand at the forefront of the anti-splittist struggle and resolutely battling against splitist forces ...". Zhang Zhu in his speech said that he was "determined to live up to the expectations of the party" and vowed that he and his troops will "serve as daggers" with which to cope with riots and contingencies and make new contributions to opposing splitism ...". This shows that in Tibet, the Chinese authorities will continue to resort to violent means in order to suppress the free expression of political beliefs.

12. During the past two years several hundred Tibetans have been arbitrarily detained in Tibet by the Chinese authorities, especially administrative detention for long periods. In 1993, for the first time in many years, a large number of Tibetans, including artists and intellectuals, have been arrested in north-eastern Tibet (now known as Qinghai province) for alleged political activities. Under these conditions, Tibetan political prisoners remain under continued threats of torture, the practice of which is constant and systematic, unfair trial, incommunicado detention, summary execution and involuntary disappearance (generally no information is forthcoming from the authorities).

13. Similarly, more than 50 peaceful demonstrations calling for Tibetan independence, led mostly by monks and nuns, were staged, particularly in Central Tibet, in the past two years. The biggest of these demonstrations occurred on 24 May 1993, a day after a high-level European Community delegation ended their visit to Tibet. Latest reports from Lhasa stated that at least 22 Tibetan nuns were detained after staging various demonstrations in the city between 9 and 14 December 1993.

14. IFHR believes that the trend of massive and systematic human rights violations in Tibet has reached such a degree that measures have to be taken by the international community. Therefore, the IFHR urges the Commission on Human Rights to designate a Special Rapporteur to monitor the situation under point 12.

- - - - -

MUN Rules of Procedure

1. Adoption of Agenda ...majority ...include all topics

2. Limit Speakers' Time ...majority ...no discussion

3. Close Speakers' List ...majority ...discuss: one + one -

4. Re-Open Speakers' List ...majority ...discuss: one + one -

5. Point of Order ...no vote ...may interrupt speaker
   ...addresses error in order of procedure

6. Appeal of the Chair ...2/3 ...discuss: chair, maker of motion
   ...delegate appeals discretionary ruling of chair

7. Point of Parliamentary Inquiry ...no vote
   ...inquiry on procedure ...may not interrupt speaker

8. Point of Personal Privilege ...no vote ...may interrupt
   ...delegate identifies physical discomfort

9. Right of Reply ...chair's discretion ...speaker has impugned
   national integrity of member, who is allowed to respond

10. Point of Information ...with chairman's permission
    ...used to ask question of a speaker

11. Yield to Delegate ...delegate may yield time at end of speech

12. Adjourn Debate ...majority ...discuss: two + two -
    ...debate ends without vote on resolutions

13. Resume Debate ...2/3 ...discuss: two + two -

14. Recess [Caucus] ...majority ...caucus time must be specified

15. Close Debate ...2/3 ...discuss: two -
    ...debate ends with vote on all resolutions

16. Amendment ...majority ...discuss: two + two -
    ...no second-order amendments

17. Suspend Rules ...2/3 ...discuss: one + one -
    ...to change committee procedure

MODEL UNITED NATIONS

Committee Activities Sequence

1. Delegates Called to Order

2. Roll Call

3. Chairman Reviews Rules
   a. delegations vote to set time limit on speeches
      ...Chairman may suggest 1 or 2 minutes
      ...during speaking time, only answers to questions are deducted from speaker's time
      ...delegates may take two questions after speaking time expires, unless they decline to answer first question

4. Entertain Motion & Vote to Set an Agenda
   a. Open Speakers List for Opening Speeches to Set Agenda
   b. Close Discussion to Set Agenda,
      with Motion & Vote to Close Speakers List
      or at Chairman's Discretion [if speeches repetitive]

5. Adopt an Agenda
   ...delegations vote for one or another option

6. Entertain Motion & Vote to Recess [Caucus]
   ...for purpose of drafting resolutions on Agenda Topic #1

7. Reconvene to Discuss Resolutions on Topic #1
   a. Open Speakers List for Speeches on resolutions
      ...speakers may address one or more resolutions
   b. Amendments are Voted on During Debate
      ...after two for / two against...no second-order amendments

8. Vote on all Resolutions at End of Debate

9. Entertain Motion & Vote to Recess [Caucus]
   ...for purpose of drafting resolutions on
      Agenda Topic #2

++proceed as with Topic #1 debate++

SAMPLE RESOLUTION

PREAMBULATORY CLAUSES

Separate preambulatory clauses with commas ☞

The General Assembly,

Recalling its resolution 22/18 k of 24 January 1979 and 34/931 l of 12 December 1979, as well as Economic and Social Council resolution 1980/50 of 23 July 1980,

Reaffirming once again the special responsibility of the United Nations and the international community towards the oppressed people of South Africa and their national liberation movement,

Indent 5 spaces ☞

Noting the great advance of the movement against *apartheid* and for national liberation and the rise in political consciousness of the oppressed people of South Africa,

Underline (italicize) initiating phrases ☞

Condemning the violence and repression by the apartheid regime against all opponents of *apartheid*,

Recognizing the need for increased humanitarian and educational assistance to the oppressed people of South Africa, as well as direct assistance to the liberation movements in their legitimate struggle,

OPERATIVE CLAUSES

1. **Appeals** to all States to provide humanitarian, educational, financial and other necessary assistance to the oppressed people of South Africa and their national liberation movement;

Number operative clauses ☞

2. **Urges** the United Nations Development Programme and other agencies within the United Nations system to expand their assistance to the oppressed people of South Africa and the South African liberation movements recognized by the Organization of African Unity, in consultation with the Special Committee Against *Apartheid*;

Use a semicolon to separate operative clauses ☞

3. **Urges** all agencies within the United Nations system to ensure the participation of the South African liberation movements recognized by the Organization of African Unity in their relevant conferences and meetings, and to provide financial assistance for that purpose;

4. **Decides** to continue the authorization of adequate financial provisions in that budget of the United Nations to enable the South African liberation movements recognized by the Organization of African Unity — the African National Congress of South Africa and the Pan Africanist Congress of Azania — to maintain offices in New York in order to participate effectively in the deliberations of the Special Committee and other appropriate bodies.

Use a period to end resolution ☞

PHRASES FOR INTRODUCING RESOLUTIONS

Preambulatory phrases

Affirming
Alarmed by
Approving
Aware of
Believing
Bearing in mind
Confident
Contemplating
Convinced
Declaring
Deeply concerned
Deeply conscious
Deeply convinced
Deeply disturbed
Deeply regretting
Desiring
Emphasizing
Expecting
Expressing its appreciation
Expressing its satisfaction
Fulfilling
Fully aware
Fully alarmed
Fully believing
Further deploring
Further recalling
Guided by
Having adopted
Having considered
Having considered further
Having devoted attention
Having examined
Having studied
Having heard
Having received
Keeping in mind
Noting with regret
Noting with satisfaction
Noting with deep concern
Noting further
Noting with approval
Observing
Realizing
Reaffirming
Recalling
Recognizing
Referring
Seeking
Taking into account
Taking into consideration
Taking note
Viewing with appreciation
Welcoming

Operative phrases

Accepts
Affirms
Approves
Authorizes
Calls
Calls upon
Condemns
Congratulates
Confirms
Considers
Declares accordingly
Deplores
Draws the attention
Designates
Emphasizes
Encourages
Endorses
Expresses its appreciation
Expresses its hope
Further invites
Further proclaims
Further reminds
Further recommends
Further resolves
Further requests
Have resolved
Notes
Proclaims
Reaffirms
Recommends
Reminds
Regrets
Requests
Solemnly affirms
Strongly condemns
Supports
Trusts
Takes note of
Transmits
Urges

SPAIN

FOURTH COMMITTEE

SPANISH SAHARA

The first paragraph should summarize the history of the issue.

The United Nations, when it has undertaken the task of decolonization, has indicated the way it should be carried out. In the case of Spanish Sahara, the course to be followed is clear. It is the will of the indigenous inhabitants, expressed freely and with the required guarantees, that will determine the future of the territory. No historical precedent could justify any change of attitude in a process for which the guidelines have in recent years been established by a whole series of General Assembly resolutions. To allege, at the present state, that the right to self-determination of an indigenous people must be made subject to prior negotiations, for which the grounds were dubious, would be to controvene the objective pursued by the United Nations in Resolution 1514 (XV).

The second paragraph is your nation's stance over time.

The Spanish Government firmly upholds the application of the principle of self-determination and is trying to create the necessary conditions for the people of Spanish Sahara truly to decide their own future. To that end, elections have been held in order to improve the representative character of public and the Yama'a, the general assembly of the territory, was continuing to expand its activities.

The third paragraph is your nation's proposed solution.

In view of Spain's responsibility to the inhabitants of Spanish Sahara, it cannot condone the vascillating attitude of those who on some occasions advanced territorial claims, at other times appeared to base their actions on a system of collaboration between neighboring countries and, on still other occasions, gave the impression of favoring self-determination subject to prior negotiations of an unspecificed nature. In the course of that process, they sometimes appear to forget the existence of an indigenous population which is concerned about the future and whose wishes are the decisive element which must guide the attitudes of the Spanish Government.

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China
Permanent Mission of the People's Republic
of China to the UN
155 West 66th Street, on Broadway
New York, NY 10023
212-870-0300

Colombia
Permanent Mission of Colombia to the UN
Information Service
140 East 57th Street, 5th Floor
New York, NY 10022
212-355-7776

Comoros
Permanent Mission of Comoros to the UN
336 East 46th Street, 2nd Floor
New York, NY 10017
212-972-8010

Congo
Permanent Mission of the People's Republic
of the COngo to the UN
14th East 65th Street
New York, NY 10021
212-744-7840

Costa Rica
Permanent Mission of the Costa Rica to the
UN
211 East 43rd Street, Room 903
New York, NY 10017
212-986-6373

Cote d'Ivore
Permanent Mission of Cote d'Ivorie to the
UN
866 United Nations Plaza, Rooms 566 and
580
New York, NY 10017
212-371-7036

Cuba
Permanent Mission of Cuba to the UN
315 Lexington Avenue
New York, NY 10016
212-689-7215

Cyprus
Permanent Mission of Cyprus to the UN
13 East 40th Street
New York, NY 10016
212-481-6023

Czechoslovakia
Permanent Mission of the Czech and Slovak
Federal Republic to the UN
1109-11 Madison Avenue
New York, NY 10028
212-535-8814

Democratic People's Republic of Korea
Permanent Mission of the Democratic
People's Republic of Korea
225 East 86th Street
New York, NY 10028
212-722-3536
Denmark
Permanent Mission of Denmark to the UN
Two United Nations Plaza, 26th Floor
New York, NY 10017
212-308-7009
Djibouti
Permanent Mission of the Republic of
Djibouti to the UN
866 United Nations Plaza, Suite 4011
New York, NY 10017
212-753-3163

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Dominica
Permanent Mission of the Commonwealth
of Dominica to the UN
820 Second Avenue, 9th Floor
New York, NY 10017
212-949-0853
Dominican Republic
Permanent Mission of the Dominican
Republic to the UN
41 East 44th Street, 4th Floor
New York, NY 10017
212-867-0833

Ecuador
Permanent Mission of Ecuador to the UN
866 United Nations Plaza, Room 516
New York, NY 10017
212-935-1680

Egypt
Permanent Mission of Egypt to the UN
36 East 67th Street
New York, NY 10021
212-879-6300

El Salvador
Consulate General of El Salvador
46 Park Avenue
New York, NY 10016
212-679-1616

Equatorial Guinea
Permanent Mission of Equatorial Guinea to
the UN
57 Magnolia Avenue
Mount Vernon, NY 10553
No telephone listed

Estonia
Permanent Mission of the Republic of
Estonia to the UN
630 Fifth Avenue, Suite 2415
New York, N Y 10111
212-247-0499

Ethiopia
Consulate General of Ethiopia
866 United Nations Plaza, Room 560
New York, NY 10017
212-421-1830

Fiji
Permanent Mission of Fiji to the UN
One United Nations Plaza, 26th Floor
New York, NY 10017
212-355-7316

Finland
Permanent Mission of Finland to the UN
866 United Nations Plaza, 2nd Floor
New York, NY 10017
212-355-2100

France
Permanent Mission of France to the UN
245 East 47th Street
New York, NY 10017
212-308-5700

Gabon
Permanent Mission of Gabon to the UN
18 East 41st Street, 6th Floor
New York, NY 10017
212-686-9720

Gambia
Permanent Mission of the Gambia to the
UN
820 Second Avenue, 9th Floor
New York, NY 10017
212-949-6640

Germany
Permanent Mission of Germany to the
UN600 Third Avenue, 41st Floor
New York, NY 10016
212-856-6200

Ghana
Permanent Mission of Ghana to the UN
19 East 47th Street
New York, NY 10017
212-832-1300

Greece
Permanent Mission of Greece to the UN
733 Third Avenue, 23rd Floor
New York, NY 10017
212-490-6060

Grenada
Permanent Mission of Grenada to the UN
820 East 2nd Avenue, Suite 1100
New York, NY 10017
212-599-0301

Guatemala
Permanent Mission of Guatemala to the
UN
57 Park Avenue
New York, NY 10016
212-679-4760

Guinea
Permanent Mission of the Republic of
Guinea to the UN
140 East 39th Street
New York, NY 10016
212-687-8115

Guinea-Bissau
Permanent Mission of the Republic of
Guinea-Bissau to the UN
211 East 43rd Street, Room 604
New York, NY 10017
212-661-3977

Guyana
Consulate General of theRepublic of
Guyana
866 United Nations Plaza, Suite 555
New York, NY 10017
212-527-3232

Haiti
Permanent Mission of Haiti to the UN
801 Second Avenue, Room 300
New York, NY 10017
212-370-4840

Honduras
Permanent Mission of Honduras to the UN
866 United Nations Plaza, Suite 417
New York, NY 10017
212-752-3370

Hungary
Permanent Mission of the Republic of
Hungary to the UN
227 East 52nd Street
New York, NY 10022
212-752-0209

Iceland
Permanent Mission of Iceland to the UN
370 Lexington Avenue, 5th Floor
New York, NY 10017
212-686-4100

India
Permanent Mission of India to the UN
866 United Nations Plaza, Suite 505
New York, NY 10017
212-751-0900

Indonesia
Permanent Mission of the Republic of
Indonesia to the UN
325 East 38th Street
New York, NY 10016
212-972-8333

Iran
Permanent Mission of the Islamic Republic
of Iran to the UN
622 Third Avenue, 34th Floor
New York, NY 10017
212-687-2020

Iraq
Permanent Mission of Iraq to the UN
Press Section
14 East 79th Street
New York, NY 10021
212-737-4433

Ireland
Consulate General of Ireland
885 Second Avenue, 19th Floor
One Dag Hammarskjold Plaza
New York, NY 10017
212-421-6934

Israel
Permanent Mission of Israel to the UN
800 Second Avenue
New York, NY 10017
212-351-5200

Italy
Permanent Mission of Italy to the UN
Two United Nations Plaza, 24th Floor
New York, NY 10017
212-486-9191

Jamaica
Permanent Mission of Jamaica to the UN
866 Second Avenue, 15th Floor
2 Dag Hammarskjold Plaza
New York, NY 10017
212-688-7040
Japan
Permanent Mission of Japan to the UN
866 United Nations Plaza, 2nd Floor
New York, NY 10017
212-223-4300

Jordan
Permanent Mission of the Hashemite
Kingdom of Jordan to the UN
866 United Nations Plaza, Room 550-552
New York, NY 10017
212-752-0135
Kazakhstan
Permanent Mission of Kazakhstan to the
UN
New York, NY
212-

Kenya
Permanent Mission of the Republic of
Kenya to the UN
866 United Nations Plaza, Room 486
New York, NY 10017
212-421-4740

Kuwait
Permanent Mission of the State of Kuwait
to the UN
321 East 44th Street
New York, NY 10017
212-973-4300

Kyrgyzstan
Permanent Mission of Kyrgyzstan to the
UN

New York, NY
212-

Lao People's Democratic Republic
Permanent Mission of the Lao People's
Democratic Republic to the UN
317 East 51st Street
New York, NY 10022
212-832-2732

Latvia
Permanent Mission of the Republic of
Latvia to the UN
115 West 183rd Street
New York, NY 10453
212-933-4500

Lebanon
Permanent Mission of Lebanon to the UN
866 United Nations Plaza, Room 531-533
New York, NY 10017
212-355-5460
Lesotho
Permanent Mission of the Kingdom of
Lesotho to the UN
204 East 39th Street
New York, NY 10016
212-661-1690

Liberia
Permanent Mission of the Republic of
Liberia to the UN
820 Seconbd Avenue, 4th Floor
New York, NY 10017
212-687-1033

Libya
Permanent Mission of the Socialist People's
Libyan Arab Jamahiriya to the UN
309-315 East 48th Street
New York, NY 10017
212-752-5775
Liechtenstein
Permanent Mission of the Principality of
Liechtenstein to the UN
405 Lexington Avenue, 43rd Floor
New York, NY 10174
212-599-0220

Lithuania
Permanent Mission of the Republic of
Lithuania to the UN
41 West 82nd Street
New York, NY 10024
212-877-4552

Luxembourg
Permanent Mission of Luxembourg
801 Second Avenue
New York, NY 10017
212-370-9850

Madagascar
Permanent Mission of the Democratic
Republic of Madagascar to the UN
801 Second Avenue, Suite 404
New York, NY 10017
212-986-9491

Malawi
Permanent Mission of the Republic of
Malawi to the UN
600 Third Avenue, 30th Floor
New York, NY 10016
212-949-0180

Malaysia
Permanent Mission of Malaysia to the UN
140 East 45th Street, 43rd Floor
New York, NY 10017
212-986-6310

Maldives
Permanent Mission of the Republic of
Maldives to the UN
820 Second Avenue, Suite 800 C
New York, NY 10017
212-599-6195

Mali
Permanent Mission of the Republic of Mali
to the UN
111 East 69th Street
New York, NY 10021
212-737-4150

Malta
Permanent Mission of Malta to the UN
249 East 35th Street
New York, NY 10016
212-725-2345

Marshall Islands
Permanent Mission of the Republic of the
Marshall Islands to the UN
1 Dag Hammarskjold Plaza, 7th Floor
885 Second Avenue
New York, NY 10017-2289
212-702-4850
Mauritania
Permanent Mission of the Islamic Republic
of Mauritania to the UN
211 East 43rd Street, Suite 2000
New York, NY 10017
212-986-7963

Mauritius
Permanent Mission of the Republic of
Mauritius to the UN
211 East 43rd Street, 15th Floor
New York, NY 10017
212-949-0190

Mexico
Permanent Mission of Mexico to the UN
Two United Nations Plaza, 28th Floor
New York, NY 10017
212-752-0220
Micronesia
Permanent Mission of the Federated States
of Micronesia to the UN
820 Second Avenue, Suite 204
New York, NY 10017
212-697-8370

Mongolia
Permanent Mission of the Mongolia to the
UN
6 East 77th Street
New York, NY 10021
212-861-9460

Morocco
Permanent Mission of the Kingdon of
Morocco to the UN
767 Third Avenue, 30th Floor
New York, NY 10017
212-421-1580

Mozambique
Permanent Mission of the Republic of
Mozambique to the UN
70 East 79th Street
New York, NY 10021
212-517-4550

Myanmar
Permanent Mission of the Union of
Myanmar to the UN
10 East 77th Street
New York, NY 10021
212-535-1310

Namibia
Permanent Mission of the Republic of
Namibia to the UN
135 East 36th Street
New York, NY 10016
212-685-2003

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Nepal
Permanent Mission of the Kingdom of Nepal to the UN
820 Second Avenue, Suite 202
New York, NY 10017
212-370-4188

Netherlands
Permanent Mission of the Kingdom of the Netherlands to the UN
711 Third Avenue, 9th Floor
New York, NY 10017
212-697-5547

New Zealand
Permanent Mission of New Zealand to the UN
One United Nations Plaza, 25th Floor
New York, NY 10017
212-826-1960

Nicaragua
Permanent Mission of Nicaragua to the UN
820 Second Avenue, 8th Floor
New York, NY 10017
212-490-7997

Niger
Permanent Mission of the Niger to the UN
417 East 50th Street
New York, NY 10022
212-421-3260

Nigeria
Permanent Mission of Nigeria to the UN
733 Third Avenue, 15th Floor
New York, NY 10017
212-953-9130

Norway
Permanent Mission of Norway to the UN
825 Third Avenue, 39th Floor
New York, NY 10022
212-421-0280

Oman
Permanent Mission of Oman to the UN
866 United Nations Plaza, Room 540
New York, NY 10017
212-355-3505

Pakistan
Permanent Mission of Pakistan to the UN
Pakistan House
8 East 65th Street
New York, NY 10021
212-879-8600

Panama
Permanent Mission of Panama to the UN
866 United Nations Plaza, Suite 509
New York, NY 10017
212-421-5420

Papua New Guinea
Permanent Mission of Papua New Guinea to the UN
866 United Nations Plaza, Suite 322
New York, NY 10017
212-832-0043

Paraguay
Permanent Mission of Paraguay to the UN
211 East 43rd Street, Suite 1202
New York, NY 10017
212-687-3490

Peru
Permanent Mission of Peru to the UN
820 Second Avenue, Suite 1600
New York, NY 10017
212-687-3336

Philippines
Permanent Mission of the Republic of the Philippines to the UN
556 Fifth Avenue, 5th Floor
New York, NY 10036
212-764-1300

Poland
Permanent Mission of the Republic of Poland to the UN
9 East 66th Street
New York, NY 10021
212-744-2506

Portugal
Permanent Mission of Portugal to the UN
777 Third Avenue, 27th Floor
New York, NY 10017
212-759-9444

Qatar
Permanent Mission of the State of Qatar to the UN
747 Third Avenue, 22nd Floor
New York, NY 10017
212-486-9335

Republic of Korea
Permanent Mission of the Republic of Korea to the UN
866 United Nations Plaza, Suite 300
New York, NY 10017
212-371-1280

Republic of Moldova
Permanent Mission of the Republic of Moldova to the UN
573-577 Third Avenue
New York, NY 10016
212-682-3274

Romania
Permanent Mission of Romania to the UN
573-577 Third Avenue
New York, NY 10016
212-682-3273

Russian Federation
Permanent Mission of the Russian Federation to the UN
136 East 67th Street
New York, NY 10021
212-861-4900

Rwanda
Permanent Mission of the Rwandese Republic to the UN
124 East 39th Street
New York, NY 10016
212-696-0644

Saint Kitts and Nevis
Permanent Mission of Saint Kitts and Nevis to the UN
414 East 75th Street, 5th Floor
New York, NY 10021
212-535-1234

Saint Lucia
Permanent Mission of Saint Lucia to the UN
820 Second Avenue, Suite 900
New York, NY 10017
212-697-9360

Saint Vincent and the Grenadines
Permanent Mission of Saint Vincent and the Grenadines to the UN
801 Second Avenue, 21st Floor
New York, NY 10017
212-687-4490

Samoa
Permanent Mission of the Independent State of Western Samoa to the UN
820 Second Avenue, Suite 800-D
New York, NY 10017
212-599-6196
San Marino
Permanent Mission of the Republic of San Marino to the UN
745 Fifth Avenue, Suite 1208
New York, NY 10151
212-751-1234

Sao Tome and Principe
Permanent Mission of Sao Tome and Principe to the UN
801 Second Avenue, Suite 1504
New York, NY 10017
212-697-4211

Saudi Arabia
Permanent Mission of Saudi Arabia to the UN
405 Lexington Avenue, 56th Floor
New York, NY 10017
212-697-4830

Senegal
Permanent Mission of the Republic of Senegal to the UN
238 East 68th Street
New York, NY 10021
212-517-9030

Seychelles
Permanent Mission of the Republic of Seychelles to the UN
820 Second Avenue, Suite 203
New York, NY 10017
212-687-9766

Sierra Leone
permanent Mission of the Republic of Sierra Leone to the UN
245 East 49th Street
New York, NY 10017
212-688-1656

Singapore
Permanent Mission of the Republic of
Singapore to the UN
Two United Nations Plaza, 25th Fl
New York, NY 10017
212-826-0840

Slovenia
Permanent Mission of Slovenia to the UN
One Dag Hammarskjold Plaza, 7thFL
New York, NY 10017
212-702-4884

Soloman Islands
Permanent Mission of the Soloman Islands
to the UN
820 Second Avenue, Suite 800-A
New York, NY 10017
212-599-6193

Somalia
Permanent Mission of the Somali
Democratic Republic to the UN
425 East 61st Street, Suite 703
New York, NY 10021
212-688-9410

South Africa
Permanent Mission of South Africa to the
UN
333 East 38th Street, 9th Floor
New York, NY 10016
212-213-5583

Spain
Permanent Mission of Spainb to the UN
809 United Nations Plaza, 6th Floor
New York, NY 10017
212-661-1050

Sri Lanka
Permanent Mission of the Democratic
Socialist Republic of Sri Lanka to the UN
630 Third Avenue, 20th Floor
New York, NY 10017
212-986-7040
Sudan
Permanent Mission of the Republic of the
Sudan to the UN
733 Third Avenue, 9th Floor
New York, NY 10017
212-573-6033

Suriname
Permanent Mission of the Republic of
Suriname to the UN
866 United Nations Plaza, Suite 320
New York, NY 10017
212-826-0660

Swaziland
Permanent Mission of Swaziland to the UN
866 United Nations Plaza, Suite 420
New York, NY 10017
212-371-8910

Sweden
Permanent Mission of Sweden to the UN
One Dag Hammarskjold Plaza 885 Second
Avenue, 46th Floor
New York, NY 10017-6201
212-751-5900
Syria
Permanent Mission of the Syrian Arab
Republic to the UN
820 Second Avenue, 10th Floor
New York, NY 10017
212-661-1313

Thailand
Permanent Mission of Thailand to the UN
351 East 52nd Street
New York, NY 10022
212-754-2230

Togo
Permanent Mission of Togo to the UN
112 East 40th Street
New York, NY 10016
212-490-3455

Trinidad and Tobago
Permanent Mission of the Republic of
Trinidad and Tobago to the UN
820 Second Avenue, 5th Floor Floor
New York, NY 10017
212-697-7620

Tunisia
Permanent Mission of Tunisia to the UN
31 Beckham Place
New York, NY 10022
212-751-7503

Turkey
Permanent Mission of Turkey to the UN
821 United Nations Plaza, 10th Floor
New York, NY 10017
212-949-0150

Turkmenistan
Permanent Mission of Turkmenistan to the
UN
136 East 67th Street
New York, NY 10021
212-472-5921

Uganda
Permanent Mission of the Republic of
Uganda to the UN
336 East 45th Street
New York, NY 10017
212-949-0110

Ukraine
Permanent Mission of the Ukraine to the
UN
136 East 67th Street
New York, NY 10021
212-535-3418

United Arab Emirates
Permanent Mission of the United Arab
Emirates to the UN
747 Third Avenue, 36th Floor
New York, NY 10017
212-371-0480

United Kingdom
Permanent Mission of the United Kingdom
to the UN
845 Third Avenue, 10th Floor
New York, NY 10022
212-745-0200

United Republic of Tanzania
Permanent Mission of the United Republic
of Tanzania to the UN
205 East 42nd Street, 13th Floor
New York, NY 10017
212-972-9160

United States of America
Permanent Mission of the United States of
America to the UN
799 United Nations Plaza
New York, NY 10017
212-415-4000

Zambia
Permanent Mission of the Republic of
Zambia to the UN
237 East 52nd Street
New York, NY 10022
212-758-1110

Uruguay
Permanent Mission of Uruguay to the UN
747 Third Avenue, 21th Floor
New York, NY 10017
212-752-8240

Uzbekistan
Permanent Mission of the Republic of
Uzbekistan to the UN
122 West 27th Street, 8th Floor
New York, NY 10001
212-675-3334

Vanuatu
Permanent Mission of the Republic Vanuatu
to the UN
416 Convent Avenue
New York, NY 10031
212-926-3311

Venezuela
Permanent Mission of Venezuela to the UN
335 East 46th Street
New York, NY 10017
212-557-2055

Viet Nam, Socialist Republic of
Permanent Mission of the Socialist
Republic of Viet Nam to the UN
20 Waterside Plaza (Lobby)
New York, NY 10010
212-679-3779

Yemen
Permanent Mission of the Republic of
Yemen to the UN
866 United Nations Plaza, Room 435
New York, NY 10017
212-355-1730

Yugoslavia
Permanent Mission of the Socialist Federal
Republic of Yugoslavia to the UN
854 Fifth Avenue
New York, NY 10021
212-879-8700

Zaire
Permanent Mission of the Republic of Zaire
to the UN
767 Third Avenue, 25th Floor
New York, NY 10017
212-754-1966

Zimbabwe
Permanent Mission of the Republic of
Zimbabwe to the UN
128 East 56th Street
New York, NY 10022
212-980-9511

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